

Submission 1083 (willard eisner, abbey transportation systems, November 5, 2011)

Draft 2012 Business Plan - RECORD #1083 DETAIL

Status : Follow-up (changes in final)
Record Date : 11/5/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 11/5/2011
Submission Method : Website
First Name : willard
Last Name : eisner
Professional Title : owner
Business/Organization : abbey transportation systems
Address :
Apt./Suite No. :
City : fresno
State : CA
Zip Code : 93711
Telephone : 559-439-8899
Email : willardeisner@yahoo.com
Cell Phone :
Add to Mailing List : Yes

Stakeholder
Comments/Issues : We feel that the high speed rail will be a distinct benefit to California in many ways. Both myself and Mrs. Eisner are excited about the project and hope that it will be underway in the very near future.

1083-1

Response to Submission 1083 (willard eisner, abbey transportation systems, November 5, 2011)

1083-1

See MF-Response-GENERAL-9.

Submission 559 (Blake Davis, Agriland Farming Company, October 11, 2011)

Merced - Fresno - RECORD #559 DETAIL

Status : Action Pending
Record Date : 10/11/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/11/2011
Submission Method : Website
First Name : Blake
Last Name : Davis
Professional Title :
Business/Organization : Agriland Farming Company
Address :
Apt./Suite No. :
City : Chowchilla
State : CA
Zip Code : 93610
Telephone :
Email : blake@agrilandfarming.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :
EIR/EIS Comment : Yes

559-1

As an Farm Manager in Madera, Merced and Fresno Counties we are strongly against the BNSF and Hybrid Alternatives. We have properties that will be impacted by each of the three alternatives. These impacts include direct land crossings and indirect impacts on the land near to the lines. We are in favor of the SR 99 Alternative. Both the BNSF and Hybrid Alternatives will cutt through our fam land and reduce our access to farm land on either side of the tracks which will increase our costs and reduce the efficiency of our operation.

Response to Submission 559 (Blake Davis, Agriland Farming Company, October 11, 2011)

559-1

See MF-Response-GENERAL-10.

Submission 840 (Anthony James (1), Anthony John (2) Fagundes (1), Fagundes (2), AJF Dairy,
October 13, 2011)



Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) – **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on **September
28, 2011** will **not** be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a **28 de septiembre**
no se responderá en el EIR/EIS final.

Name/ ANTHONY JAMES FAGUNDES Organization/ AJF DAIRY
Nombre: ANTHONY JOHN FAGUNDES Organización:

(Optional/Opcional)
Address/Domicilio: 11648 Ave 23 1/2 Phone Number/
Número de teléfono: 559-665-1663

City, State, Zip code/ Chowchilla Ca 93610
Ciudad, estado, código postal: Email address/
Correo electrónico: AJFDAIRY@hotmail.com

See ATTACHED

840-1

AJF DAIRY
11648 AVENUE 23 1/2
CHOWCHILLA, CA 93610

To Whom It May Concern:

Our concerns regarding the proposed High Speed Rail are far to many to address. Similar to the many points you have in the EIR you prepared for the Merced to Fresno route that is to cumbersome to review.

Our #1 concern, however, is exactly how the State of California intends to restitution for our dairy operation that has been in operation at this site since 1968. Three generations of my family have put every thing we have into the facility and land to make it the operation it is today. Now we see displacement as our grim future – oh, yes of course, at current “market price”.

What we see happening by the proposed rail route for this area effectively destroys our dairy facility as it operates today. This means we must:

1. Purchase additional land for the Facility
2. Go through the tedious process of acquiring permits. paying the required fees
3. Have an EIR completed on the proposed facility
4. Purchase plans/build new milking facility
5. Install necessary system for water use
6. Build lagoon and waste management system
7. Holding pens, hospital/maternity barn
8. Hoping that all this can be completed to met your timeline and requirements
9. ETC

This is all contingent upon whether or not we can even find property close enough to the existing ranch to make it feasible and more importantly, if we can even get new permits. Either way, YOU will be looking at replacing an established, profitable dairy operation. At this point in time approximately \$12-\$14 million dollars should come close to replacing our current facility.

Sincerely,
Anthony James Fagundes/family
Anthony John Fagundes/family
Employees of AJF Dairy/families

Owners and Operators of AJF Dairy

Response to Submission 840 (Anthony James (1), Anthony John (2) Fagundes (1), Fagundes (2), AJF Dairy, October 13, 2011)

840-1

See MF-Response SOCIAL-1 and MF-AGRICULTURE-6.

Submission 689 (Alfred & Reis Soares, Alfred Soares Dairy, October 13, 2011)

Alfred Soares Dairy
Alfred & Reis Soares
21282 Rd. 6
Chowchilla, Ca 93610
(559) 665-5879

October 6, 2011

Merced to Fresno HST Environmental Review
770 L. Street 800
Sacramento, Ca 95814

Re: **Opposition to California High Speed Rail Project**

We are a dairy family and are opposing Proposition 1A

The impact of the High Speed Train (HST) on our family and business will be devastating. The proposed plan that comes through our property would take out farm land that is currently used to feed our cows and operate our dairy farm. The loss of land would put our family at risk of not being able to borrow money to keep operating. Due to the heavy debt load we currently have, any type of depreciation of our farm could put us out of business.

The DEIR/S fails to describe the whole project. Without a description of all aspects of the project that could impact the environment, the DEIR/S cannot be complete.

689-1 | ECONOMIC IMPACT: Our dairy currently supports 15 families. 15 families would be out of work and or homes. The EIR does not address the mitigation measures or how HSR will compensate those employees.

689-2 | NOISE: Cattle do not respond well to constant noises. Production will be affected and their health if they are not able to get adequate rest. The EIR does not discuss any mitigation measures for the loss of production caused by noise, vibration or stray voltage problems.

689-3 | DAIRY PERMIT: Our dairy permit would be affected because our current permit is closely regulated on a ratio of milk cows per acre of land owned. Any loss of farmland taken by the rail will cause a direct reduction in our herd size and our net income. The EIR fails to address this significant agricultural impact. Furthermore, the EIR fails to address the possibility that my dairy may not be able to meet the stringent San Joaquin valley water quality regulations due to the loss of farmable acreage.

689-4 | AIR QUALITY: We currently operate according to the Air Board rules and have specific dust control measures in place. Dust control will be a problem given the speed of the HST. What measures will the HSR put in place to address this problem?

FARMING: The issue of how we would continue the current crop spraying practices has not been addressed. With the already strict conditions in place when we need to spray our crops, the HST could prevent us from being able to spray due to the wind factor caused by the HST. How will HSR address this problem?

689-5 | WATER: We receive district water and the area proposed for the HST would cause total removal of the current pipeline that brings our district water. The question to the High Speed Rail Authority is; who will be responsible for repairs of the new pipeline when it cracks from the vibration of the HST?

689-6 | HEALTH: There has not been enough if any studies done on the overall health issues that may come from this type of project so close to residences. A Health Risk Assessment needs to be completed.

689-7 | ENVIRONMENT: The issue of the additional fuel used by the local farmers who will have to travel farther distances due to the blockage of roads. For years the Natural Resources Conservation Services NRCS has provided programs in an effort to conserve fuel assisting in healthier air and conserving resources. The HST works against all these efforts. How will the HSR address this?

689-8 | HAZARD & HAZARDOUS MATERIALS: Electromagnetic Fields are dangerous to the animals and those of us living near the HST. The EIR does not address this in the mitigation measures. How will the HSR address this problem?

689-9 | PUBLIC SERVICES: Will the HST increase the need for emergency services, electricity utilities, and increase hazards of power shortages, blackouts especially in drought years? The current public services are hardly able to keep the public's current needs. How will HSR address this problem?

TRANSPORTATION/TRAFFIC: The intent of the Proposition 1A was to use existing transportation corridors, but this is not the case. **This proposition is off its' track!**

For these reasons, it is not possible for the DEIR/S to accurately and adequately describe the project's impacts and mitigation measures.

Alfred & Reis Soares

Response to Submission 689 (Alfred & Reis Soares, Alfred Soares Dairy, October 13, 2011)

689-1

See MF-Response-AGRICULTURE-6 and MF-Response-GENERAL-4. See SO-MM#2 in Section 3.12.7, Socioeconomics, Communities, and Environmental Justice, for information on the relocation plan that will be developed for the HST project and some of the objectives and components of the plan.

689-2

See MF-Response-NOISE-1 and MF-Response-AGRICULTURE-6.

Adequately grounded equipment will not be impacted by the HST.

689-3

See MF-Response-AGRICULTURE-6.

689-4

See MF-Response-AGRICULTURE-5.

689-5

See MF-Response-WATER-1 and MF-Response-NOISE-5[CSVN1]. As discussed in MF-Response-NOISE-5, the potential for vibration damage from HST operations is limited to extremely fragile buildings located within 30 feet of the tracks. These buildings are considered to be more sensitive than utility lines, and therefore no impacts to utility lines are expected.

689-6

A number of the sections in the EIR/EIS provide information on the various elements where construction and operation could result in effects, both positive and negative, on the health of the population. These sections include 3.3 (Air Quality and Global Climate Change), 3.4 (Noise and Vibration), 3.5 (Electromagnetic Fields and Electromagnetic Interference), Section 3.8 (Hydrology and Water Resources), 3.10 (Hazardous Materials and Waste), and 3.11 (Safety and Security). For all of the EIR/EIS sections there are mitigation measures identified to address the impacts. In addition, Section 3.12, Socioeconomics, Communities, and Environmental Justice summarizes the information for all sections in the EIR/EIS to determine if there are any adverse impacts that would result in disproportionately high and adverse impacts on communities of concern.

689-6

Census data indicates that the entire study area is comprised largely of communities of concern so any negative effects on these populations would affect all populations. Overall, there are no negative effects identified that would affect the overall health of the population. The HST would reduce vehicle miles traveled, thereby reducing emissions and improving air quality.

689-7

See MF-Response-TRAFFIC-2 and MF-Response-AQ-4.

689-8

The EIR/EIS provides a complete discussion of electromagnetic fields, including how they are measured and what government and industry standards have been developed to regulate these fields. The EIR/EIS describes the measured existing electromagnetic levels, as well as the potential for electromagnetic interference from operation of the HST.

Operation of the HST would generate 60-Hz electric and magnetic fields on and adjacent to trains, including in passenger station areas. A significant impact on the environment requiring mitigation would occur were the HST System to expose people to a documented EMF health risk or were HST operations to interfere with implanted biomedical devices. The maximum permissible exposure limit established by the Institute of Electrical and Electronics Engineers for the instantaneous exposure of the general public to 60-Hz magnetic fields is 9.04 G (0.9 T). The maximum permissible exposure limit (IEEE Standard C95.6 Table 4) for 60-Hz electric fields for the general public is 5,000 volts per meter (V/m) or 5 kilovolts per meter (kV/m). Based on modeled levels of EMF exposure and measurements on other existing HSTs, the HST was determined to not exceed these safety thresholds.

There will be no significant impact from EMF to livestock and poultry along the right of way. Previous studies (Amstutz and Miller, A Study of Farm Animals Near 765 kV Transmission Lines, The Bovine Practitioner, November, 1980) have shown that even at EMF levels much higher than those from the HST, that there is no effect on herds of beef or dairy cattle or swine. We are not aware of any poultry facilities being located

Response to Submission 689 (Alfred & Reis Soares, Alfred Soares Dairy, October 13, 2011) - Continued

689-8

along the proposed right of way but even if there were we are not aware of any studies that have shown that exposure to these low levels of EMF will be detrimental to poultry flocks.

For a discussion of electromagnetic field impacts specific to farm animals, refer to MF-Response-AGRICULTURE-6. The potential effect of electromagnetic fields on animals and individuals residing near the HST was determined to be less than significant. Therefore, no mitigation is required. Refer to Section 3.5 Electromagnetic Fields and Electromagnetic Interference for additional details.

689-9

See MF-Response-S&S-6 regarding emergency services, MF-Response-PUE-3 regarding electricity needs, and MF-Response-GENERAL-2 subsection Existing Transportation Corridors regarding the use of existing transportation corridors.

Submission 451 (Dan Capener, Allied Waste Services, October 6, 2011)

Merced - Fresno - RECORD #451 DETAIL

Status : Action Pending
Record Date : 10/6/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/6/2011
Submission Method : Website
First Name : Dan
Last Name : Capener
Professional Title : General Manager
Business/Organization : Allied Waste Services
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93722
Telephone : 925-250-2388
Email : dcapener@republicservices.com
Cell Phone :
Email Subscription : Fresno - Bakersfield
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

October 6, 2011

Scott Lanphier, P.E.
Parsons Brinckerhoff
2329 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231

Scott,

Thank you for coming by today and providing information pertinent to the high speed rail project and our property.

It is my understanding that our front parking lot may be at risk due to a realignment of North Golden State Blvd. As we discussed, I have some concerns I would like taken into consideration as the process moves forward;

Noise & Vibration

I am anticipating that we will experience substantially more noise and vibration as a result of the road being moved closer to our building and the addition of the high speed rails. Our customer service team is situated at the front of the building. We would need the front of the building to be improved in order to mitigate the noise and vibration. This would include soundproof wall material, dual pane windows, etc.

Parking Concerns

We will need a few spaces by our front door for customer parking and disabled parking. If there is insufficient parking space available the interior of our building may need to be reconfigured and our front door relocated.

We are in the process of a large business expansion so we cannot afford to lose any portion of our property. If our front parking area is lost we would need it to be replaced. One possibility would be to purchase property just south of us. This potential solution would require a road bridge over the canal, the area to be paved and fenced.

Relocation

If for whatever reason we must relocate I am anticipating a minimum two year project. We would need to find a suitable property and acquire a number of permits before we could start the actual construction. Ample time would need to be provided should this be the direction we have to go.

Whatever the outcome of our property we would expect a couple of things from the California High Speed Rail Authority;

Sufficient lead time to either make the necessary improvements to our property, or relocate

Fair compensation for the cost associated with property improvements or relocation

Please forward my comments to the responsible department or individual who oversees this portion of the project.

Sincerely,

Dan Capener
General Manager

451-1

451-2

451-3

Submission 451 (Dan Capener, Allied Waste Services, October 6, 2011) - Continued

EIR/EIS Comment :

Allied Waste Services
5501 N. Goldenstate Blvd.
Fresno, CA 93722
Yes

Response to Submission 451 (Dan Capener, Allied Waste Services, October 6, 2011)

451-1

See MF-Response-NOISE-6.

451-2

See MF-Response-SOCIAL-1.

451-3

See MF-Response-SOCIAL-1 and: If the property is not relocated the property owner would still be compensated for any losses due to property acquisition. Property acquisition could result in a consequential displacement on businesses under a number of scenarios including the acquisition of a significant portion of parking area in a business development causes the business to suffer a substantial decrease in net income. Decrease in income must specifically result from reduced parking and not from other causes. Relocation Agents from the Authority will work with those businesses affected by the HST Project.

Submission 933 (Edward Thompson, Jr., American Farmland Trust, October 13, 2011)



Box 73856
Davis, CA 95617
October 13, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Ladies and Gentlemen:

American Farmland Trust (AFT) respectfully submits these, its comments on the Draft Environmental Impact Report for the Merced-to-Fresno segment of the California High Speed Rail System.

AFT's interest in high-speed rail is primarily in minimizing the negative impact it will have on farmland and agriculture in the San Joaquin Valley. We fully support the idea of robust economic growth in the Valley. But we note that the economic engine of the region is, and is likely to remain, agriculture and believe that it is in the interest of everyone to assure that the industry remains healthy and that the resources on which it depends are not squandered. Our comments on the DEIR are offered in a spirit of cooperation with the intent of assuring that both the Authority and local governments in the Valley take full advantage of the potential of the high speed rail system to encourage compact, city-centered growth that conserves the region's irreplaceable farmland.

The basic premise of the DEIR as it addresses future growth is that high-speed rail will serve as a magnet for development, enabling local communities to revitalize their downtowns and to reduce the loss of farmland to suburban development. The document notes that local general plans call for city-centered, compact growth that avoids farmland, some of them specifically relying on high-speed rail to promote this goal. (DEIR Summary, S-11; DEIR 3.18-4, et seq.) It notes that research done for the Bay Area to Central Valley Program EIR shows that high-speed rail has helped concentrate growth around stations. (DEIR, 3.18-21) And it says that development associated with high-speed rail would result in less farmland conversion than the no-build alternative. (EIR, 3.18-23) Each of these statements is problematic.

Though the general plans of local governments in the Valley are well intentioned with respect to compact growth and avoidance of farmland, it is questionable whether they are succeeding in fulfilling those intentions. AFT's 2007 report, *The Future Is Now: Central Valley Farmland at the Tipping Point*, compared the language of city and county general plans with empirical measures of success in meeting their stated objectives. What it found was that, with respect to increasing densities and avoiding development of prime farmland, the performance of local governments fell short of the expectations embodied

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in their plans. Thus, the confidence that the DEIR places in local plans and policies as a means of preventing sprawl may be misplaced.

One searches in vain through the DEIR for a reference to the research that supports the statement that high-speed rail has helped concentrate growth.¹ The one study AFT has been able to uncover – no doubt there are others – is at best inconclusive on this subject.² It found that the dispersal of growth away from central cities slowed during the period that the TGV was inaugurated in France, but stopped short of concluding that high-speed rail was responsible for the shift. The data on which it relied show that, although city centers served by the TGV grew, the outlying area also grew, the latter absorbing 40 to 50 percent of the total population growth. Again, the confidence that the DEIR expresses that high-speed rail will result in compact, city-centered development, rather than more urban sprawl, is open to question.

The Cambridge Systematics study referred to in the footnote is also apparently the source of the statement that high-speed rail will save about 30,000 acres of farmland statewide compared with the no-build alternative. (DEIR 3.18-22) A closer inspection of the Cambridge study, however, reveals that in the San Joaquin Valley, the development associated with high-speed rail would actually increase farmland conversion by about 2,100 acres.³ (CS, Table 5.7) How this conclusion was reached isn't exactly clear. But the discrepancy cast further doubt on the conclusion that high-speed rail will be a boon to San Joaquin Valley farmland.

The DEIR also suggests that local governments in the region could adopt "more aggressive strategies" than those in their current plans to further improve the prospects that high speed rail will, indeed, promote high-density downtown development and, thus, take pressure off prime farmland around the cities. (DEIR 3.18-22) AFT wholeheartedly agrees and suggests that, in mitigation of the potential impact of high-speed rail on San Joaquin Valley farmland, the Authority should seek to enter into agreements with cities and counties where stations are to be located for the purpose of promoting such strategies.⁴ We also suggest that the Authority should set aside \$10 million to finance the development and implementation of those strategies by the cities and counties, over and above the mitigation of the direct impact of the right-of-way in converting farmland. The direct impact, we suggest, should be mitigated by creating a mitigation bank that would enable advance mitigation for farmland losses due to the right-of-way acquisition, and serve as a revolving fund in conjunction with local government farmland mitigation programs.

¹ It could be the Economic Growth Report of Cambridge Systematics, Inc. (July 2003), which concluded, based on an examination of high-speed rail in France and elsewhere, that "even with HST service, the majority of people living, shopping or working in the station area will likely come from the surrounding community."

² Stanke, B., High Speed Rail's Effect on Population Distribution in Secondary Urban Areas An Analysis of the French Urban Areas and Implications for the California Central Valley, San Jose State University, June 2009

³ Tulare and Kern together would lose an additional 3,257 acres while the remaining counties would lose 1,090 fewer acres of farmland.

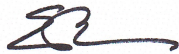
⁴ See strategies in the addendum to this comment letter.

Submission 933 (Edward Thompson, Jr., American Farmland Trust, October 13, 2011) - Continued

933-1

In conclusion, AFT would like to reiterate that it supports high-speed rail – if and only if it will, indeed, contribute to a robust economy in the San Joaquin Valley without unduly harming agriculture or the resource base on which it depends. We would look forward to discussions with the Authority of the ideas and strategies suggested in this comment letter.

Respectfully,



Edward Thompson, Jr.
California Director

3

Addendum

AFT suggests that these are among the growth management strategies that could enable local communities to take advantage of high-speed rail to concentrate development in downtowns and save farmland:

- Urban growth boundaries for cities
- Monitoring of urban development density (proposed and actual) against benchmarks
- Ag mitigation programs in all jurisdictions based on density of development
- Prohibition or significant limitation of rural residential development and new towns
- Reduction in spheres of influence that are unreasonably large (would accommodate anticipated population at higher densities for more than 20 years or general plan lifespan)
- City-county agreements under which development in unincorporated areas is limited in exchange for revenue sharing to fund county services
- Form-based codes and fast track approval to encourage mixed-use downtown development
- Agreements with developers share cost of market failure of higher density projects

4

Response to Submission 933 (Edward Thompson, Jr., American Farmland Trust, October 13, 2011)

933-1

See MF-Response-GENERAL-3 and MF-Response-GENERAL-4.

The Authority is entering into an agreement with the Department of Conservation's California Farmland Conservancy Program to provide a mechanism for obtaining conservation easements. Section 3.14.5 provides information on the impacts on agricultural lands and Section 3.14.6 provides information on the mitigation measures to protect agricultural lands from development including the coordination and development of agricultural land conservation easements.

The Central Valley is project to grow with or without the HST Project. As described in Section 3.13, Station Planning, Land Use, and Development, the HST Stations would act as a catalyst for Transit Oriented Development. Text in the section also describes the station planning that will occur with the cities of Merced and Fresno. The Authority does not control the implementation of land use policies; however, the Authority plans to work closely with the communities where an HST station would be constructed to verify that policies related to TOD are adopted and implemented. In addition to the current planning efforts in Merced and Fresno to update their general and specific plans, both cities are also taking part in the Authority's station area planning grant program. The grant program allow the cities to develop station area plans and the Authority will work cooperatively with the cities through the process. The activities being funded are distinct to each city. The planning efforts by the cities are expected to consider the Urban Design Guidelines (Authority 2011) and the HST Station Area Development: General Principles and Guidelines developed by the Authority. Ultimately, the cities of Merced and Fresno would be responsible for developing local land use requirements that would focus the growth in the HST station areas; but, as described above and in Section 3.13 the HST project would encourage the cities to take full advantage of the HST station potential.

Regarding Table 5.7 from the Cambridge Systematics, Inc. referenced in the comment, the table is providing information illustrating the differences between two scenarios (Market Trends and Land Use Densification). The Land Use Densification Scenario is what would occur if strategies were implemented to increase densities around the HST stations. The bracketed numbers represent the additional area in acres that is saved compared to the Market Trends and the not the amount lost. The Market Trends Scenario is considered the baseline and as described in the report about 10,000 fewer

933-1

acres of urbanized land would be required under the Market Trends Scenario compared to the No Project in 2020 and about 2,600 acres in 2035.

With respect to adopting more aggressive strategies, new text has been added to Section 3.18, Regional Growth, to discuss Senate Bill (SB) 375 Sustainable Communities Strategies. As described above the Authority is providing grants to all cities that will receive a station.

Submission 710 (Thomas Frawley, Amtrak (Attny for), October 13, 2011)

Merced - Fresno - RECORD #710 DETAIL

Status : Action Pending
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Transportation Agency
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Thomas
Last Name : Frawley
Professional Title : Esq., P.E. - Principal
Business/Organization : Amtrak, Attorney for
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone : 610-724-5028
Email : Thomas.Frawley@amtrak.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List :

Stakeholder Comments/Issues : In addition to substantive comments transmitted previously by Ms. Wendy Wenner of Amtrak, please note the following typographical issues with regard to the complete (as opposed to Summary) EIR/EIS documents for the Merced-Fresno HST Project.

710-1 | *

Page 2-89, Section 2.5, 2nd Paragraph, 3rd Line: "extrapolated" should be replaced with "interpolated". Additional locations in following paragraphs should be checked as well.

710-2 | *

Page 3.18-3, Section 3.18.2.1, Second-to-last bullet: "maximize" should be replaced with "minimize".

Thank you.

Tom Frawley

Thomas E. Frawley, Esq., P.E. - Principal
Thomas E. Frawley Consulting, LLC
610-724-5028 (Mobile)

EIR/EIS Comment : Yes

Response to Submission 710 (Thomas Frawley, Amtrak (Attny for), October 13, 2011)

710-1

The word "extrapolate" has been replaced with "interpolate" in Section 2.5 of the EIR/EIS as suggested, and elsewhere as applicable.

710-2

Text in Section 3.18 (Regional Growth) has been revised and "consumption" has been updated to state "conservation".

Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011)

Prepared by: AMTRAK (National Railroad Passenger Corporation)

PUBLIC REVIEW COMMENTS

DOCUMENT: CHSRA Draft EIS/EIR Summary - Merced-Fresno Project
PREPARED BY: Amtrak (National Railroad Passenger Corporation); Comments Version 6.0
SUBMITTED: October 13, 2011

727-1

No.	PAGE	SECTION	OTHER LOCATION INFORMATION	COMMENT
1	S-4	S.4.1	N/A	Purpose statement indicates, "A further objective is to provide an interface with ... mass transit ... as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources." Integration of proposed HST facilities and operations with existing Caltrans-sponsored, Amtrak intercity rail passenger service and local transit service should receive greater emphasis throughout the document, to better promote the synergistic potential of the overall transportation network.
2	S-8	S.5.3	First Paragraph; Last Sentence	The last sentence is confusing in light of the preceding information in the paragraph. Is the concept being described that residential growth is anticipated to result from both potential commuters to major metropolitan areas and from the expansion of Fresno and Merced CBDs into substantially larger centers of commerce in-and-of-themselves? Also, that this growth will develop symbiotically with the growth in retail, restaurants, entertainment, etc.?
3	S8,9	S5.4	N/A	Agree with intent to locate HMF on trunk segment for operational reasons. Suggest stating that minimization of deadhead train miles, and providing for rapid recovery and replacement of trainsets in the event of failure are also important considerations.

Page 1 of 3

10/13/2011

Prepared by: AMTRAK (National Railroad Passenger Corporation)

727-1

4	S-10	S.7	Third Paragraph	Suggest providing additional quantitative support for statement that, under the No Project Alternative, reduced emissions due to replacement of older more-polluting cars with newer, cleaner ones would approximately offset increased emissions due to greater VMT, and that noise would remain unchanged because of ordinances.
5	S-10	S.7	Bottom Paragraph	Please clarify statement "with planned roadway improvements, it is expected that existing accident trends in the study area would continue into the future." Is the concept that increased VMT presumably increases the number of accidents, while planned roadway improvements are anticipated to reduce the accident rate, and overall the two effects approximately balance each other?
6	S-11	S.7	Second Paragraph	Suggest amplification of statement that "little TOD is likely to be attracted to the downtown areas of Merced and Fresno with the No Project Alternative." It is arguable how much, but some TOD would likely result from continued growth of Caltrans-sponsored Amtrak California services, as well as local transit services.
7	S-13	S.8.1	Second Paragraph from Bottom	The statement "The Authority has also adopted a policy goal to provide all HST system power from renewable energy sources" would benefit from clarification and amplification. Suggest that the phrasing "maximize the use of renewable energy sources and minimize the use of fossil fuel generated energy" may be more suitable, and would be inclusive of nuclear. Also suggest adding statement regarding the HST's flexibility in obtaining energy from various sources, potentially reducing dependence on foreign oil and thereby contributing to economic stability in the region.

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Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

Prepared by: AMTRAK (National Railroad Passenger Corporation)

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8	S-14	S.8.1	First Paragraph	It would be helpful to elaborate on the demographic assumptions over time, to clarify the basis for ridership estimates where the study area population includes a large proportion of low income residents and the historical experience of most high speed rail systems is that they are a "premium fare" service.
9	S-14	S.8.1	Second Paragraph	The statement "... [that] the Project would not have substantial effects on ... land use and development, and regional growth" is confusing in light of the previous paragraph which refers to growth being induced by the HST Project. Please clarify.
10	S-17	S.8.2	Last Sentence	The text talks about mitigating Section 106 impacts (i.e., tribal lands). Although this explained in the complete EIS/EIR document and its appendices, it would be helpful to elaborate in the Summary, upon measures that would be expected to mitigate impacts on tribal lands.
11	S-21	S.8.3.4	N/A	Suggest adding brief discussion of interface at stations between planned HST service and the existing Amtrak California services or local transit operations. Note that the existing Amtrak service operates on the BNSF, while most HST alternatives include stations in Fresno and Merced that are adjacent to the UPRR alignment, making operating as an integrated transportation network a challenge. Please elaborate upon the Authority's strategy for interfacing with existing rail and transit services in Merced and Fresno.
12	S-21	S.8.3.4	N/A	Please clarify why site impacts do not differ between the two station alternatives in Fresno.
13	S-21	S.8.3.5	N/A	Please clarify whether the air quality impacts evaluated include employee travel, presumably by automobile, to and from the HMF?
14	S-21	S.8.3.5	N/A	Please clarify whether the energy impacts evaluated account for potential differences in non-revenue train miles of operation associated with alternative HMF candidate sites.

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Prepared by: AMTRAK (National Railroad Passenger Corporation)

PUBLIC REVIEW COMMENTS

DOCUMENT: CHSRA Draft EIS/EIR - Merced-Fresno Project
PREPARED BY: Amtrak (National Railroad Passenger Corporation); Comments Version 3.0
SUBMITTED: October 13, 2011

727-1

No.	PAGE	SECTION	OTHER LOCATION INFORMATION	COMMENT
1	N/A	General	N/A	The plan for incremental implementation of Phase 1 is alluded to but never explicitly described. Many aspects of the system wide program are related to this issue; e.g., test track operation, HMF location and operation, revenue operation phasing and coordination with other modes, etc. Recommend elaboration upon anticipated incremental approach to start-up of operations.
2	S-4	S.4.2	N/A	The purpose of the Fresno-Bakersfield section is stated as "... connects the northern and southern portions of the system". Suggest adding brief statement regarding concept of "independent utility" to be achieved in part by leveraging existing San Joaquin service.
3	S-5	S.4.3	N/A	The statement of objectives includes a 3rd bullet, which refers to connecting with "local transit, airports and highways" but doesn't mention conventional passenger rail. The 8th bullet refers to implementation in phases, presumably referring to stages within the phase 1 route between San Francisco and Los Angeles and Anaheim. Both bullets should be expanded slightly for purposes of clarification.
4	S-7	S.5.2	First Paragraph in Section	Text describes mix of 6 express and 4 "skip stop" locals per hour in the peak, with overtakes by faster trains of slower trains. The segment length, number of intermediate stations, and maximum operating speed suggest this would be challenging to accomplish. Could more information beyond what is included in the technical appendices be provided to demonstrate feasibility of this operating pattern? Also, might coordinated conventional passenger rail making stops at intermediate stations be leveraged to permit fewer HST local stops during peak periods?

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Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

Prepared by: AMTRAK (National Railroad Passenger Corporation)

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5	1-4	1.2.3	First Paragraph	Text states intent of HST system to be "coordinated with California's existing transportation network, particularly intercity rail and bus lines, commuter rail lines, urban rail lines, highways, and airports". Suggest that discussion should provide more detail regarding such coordination, especially with existing intercity rail, which will presumably be an important part of the implementation of HST service, as well as a long-term part of the state's integrated overall transportation network.
6	1-21	1.3	Second Paragraph, First Sentence	The text states that the <i>San Joaquin Corridor Strategic Plan</i> (Caltrans 2008) "recognizes that the current passenger trains, termed the San Joaquin's, have the opportunity to interface with the HST system to serve as a collector/distributor". However, potential interchange station locations are not clear, and some appear to be infeasible, such as in Fresno where the HST station is parallel to the UPRR alignment, while the existing San Joaquin's station is on the BNSF alignment. Additional clarification would be helpful.
7	1-21	1.3	Second Paragraph, Last Sentence	The text states that "...opportunities will arise for the San Joaquin's to 'bridge' the HST service while it is under construction in different regions..." This is a complex topic and additional explanation would be helpful.
8	2-5	2.2.2	Second Paragraph from Bottom	Text cites typical train width as ranging between 9 and 11 feet. Suggest that maximum width of existing vehicles of 11 feet be assumed, given that this is a new system with no dimensional constraints.
9	2-6	2.2.2	First Paragraph	Automatic Train Control discussion cites fiber backbone combined with communications based system. Suggest elaboration upon planned treatment of vital functions.
10	2-8	2.2.4.1	Figure 2-6	Assuming 11' wide trains, the typical section shown allows 5'6" clearance between passing trains. With closing speeds between passing trains well in excess of 400 MPH, especially in unconstrained territory, a few feet of additional clearance might be advisable. Existing freight standards are significantly larger, albeit for different reasons.

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11	2-14 2-15	2.2.7.3	N/A	The text may be interpreted to suggest that emergency stand-by generators and battery systems would power the HST system in the event of a power supply interruption. Please clarify.
12	2-16	2.2.9.2	Third Bullet	Some of the tasks identified sound as if they would not normally be performed while a trainset is "in service". Please clarify use of terminology.
13	2-17	2.2.9.3	N/A	Suggest that it may be beneficial to describe plan or process of achieving full build out of control center, as well as coordination with other control centers including freight rail and transit.
14	2-38	2.4.1.4	Last paragraph on Page	Important point made regarding need to update the <i>San Joaquin Corridor Strategic Plan</i> to address the changing role of the San Joaquin service to complement the HST system.
15	2-56 2-58	2.4.2.4	Figures 2-41 and 2-43	The site plans do not include the existing San Joaquin service station in Merced, located several blocks to the northeast.
16	2-82	2.4.6	N/A	Criteria for evaluation of candidate HMF locations should be identified, including non-revenue vehicle miles and O&M costs. (These suggested additional criteria are not included in the technical appendices.)
17	2-93	2.6.2	N/A	All identified maintenance activities appear generally reasonable given the current level of design.
18	2-93	2.6.2	First Bullet, Second Paragraph	Please clarify if intent is to describe resurfacing (line and level) or rail grinding.
19	2-93	2.6.2	Second Bullet	Please confirm if the intent is to inspect the entire OCS nightly.
20	2-96	2.8	N/A	The text indicates that the HST guideway is scheduled for completion in December 2019 and the HMF is scheduled for completion two years later in December 2021. Please clarify how the HMF will support rolling stock delivery, assembly and testing if these schedule dates are correct?
21	3.2-16 3.2-17	3.2.4.2	Figures 3.2-5, and 3.2-6	The site plans do not identify the existing San Joaquin service station in Merced, located several blocks to the northeast on West 24th Street between K Street and MLK Jr. Way.
22	3.2-27	3.2.5.2	Second Paragraph from Bottom	Paragraph could be enhanced by adding that San Joaquin service ridership increased from 558,569 in 1994 to 929,172 during FY 2009 and just over one million in FY 2011, while being limited by track capacity constraints on the number of trains operated.

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Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

Prepared by: AMTRAK (National Railroad Passenger Corporation)

727-4	23	3.2-35	3.2.5.3	Third Paragraph from Bottom	Text could be interpreted to suggest that while San Joaquin service will be important during construction, that it would be phased out after HST operations are initiated. This is different from the philosophy articulated elsewhere in the document. Perhaps there is a need to develop a coordination plan for the San Joaquin's relative to the HST implementation?
727-5	24	3.3-15	3.3.3.7	Pollutants of Concern Subsection	NO _x from diesel locomotives, heavy-duty equipment and trucks is identified as a "pollutant of concern". Have gen-set locomotives been assumed as the locomotive type for purposes of emissions calculations? If not, they might be a very reasonable, and better performing, assumption.
727-6	25	3.3-18	3.3.3.7	Fourth and Fifth Bullets on Page	Suggest that one switch locomotive at the HMF would be adequate. Would also appreciate additional information on intended use of MOW locomotives during initial years of HST operation, and assumptions related to their idling time at the HMF.
727-7	26	3.3-50	3.3.5.3	Second Paragraph	Suggest adding statement regarding employment of solar panels and other green design elements at stations being maximized to reduce station emissions impact.
727-8	27	3.3-50	3.3.5.3	Third Paragraph	Assuming that train exteriors will be manufactured of aluminum, consider an unpainted, polished exterior - similar to some aircraft - to substantially reduce painting activity. (It may still be preferable to paint the ends of the trainsets to permit cosmetic repairs when needed.)
727-9	28	5-2	5.2.1	Third Paragraph from Bottom	System wide capital cost estimate assumes 100 trainsets; Ridership and O&M costs appear to assume 212 trainsets. Please explain assumptions regarding expansion of fleet size over time.

Response to Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011)

727-1

- 1) While the project will be compatible with Amtrak service, integration of the two is not discussed in detail because the project is intended to be an independent system and integration with Amtrak is not part of the project purpose or the project description.
- 2) The text states that growth is expected to occur from new development in the downtown areas of Merced and Fresno because of their increased accessibility to larger cities, but not due to commuters from LA or San Francisco.
- 3) These benefits are implied in the summary statement provided regarding the HMF location.
- 4) Assumptions related to future vehicle types and use are built into the air quality analysis models that were approved by local air quality agencies for use in the analysis for this project. For more information, see Section 3.3, Air Quality.
- 5) Your understanding is correct.
- 6) TOD related to Amtrak service is unlikely because the Amtrak stations are located in residential areas away from the downtown cores of Merced and Fresno. In addition, the Merced Station is located in a historic neighborhood that would make redevelopment even more difficult.
- 7) The Authority has also adopted a policy goal to use up to 100% renewable energy sources for the HST System, which would result in a greater overall reduction in emissions from the HST Project. The Authority will contract with PG&E for power supply, and PG&E will determine the actual source of renewable power used.
- 8) See Chapter 1 for more detailed information on demographics and fare structures. It is expected that HST service will be less expensive than flying, making it more affordable for a larger population.
- 9) See MF-Response-GENERAL-3.
- 10) The project will have no impacts to tribal lands.

727-1

- 11) The Authority will coordinate with local transit providers, including Amtrak, and the project progresses regarding potential service connections. Detailed information on this strategy is not available at this time.
- 12) These station locations are one block apart and therefore impact the same types of land uses and businesses as well as the same general transportation routes, resulting in similar impacts.
- 13) Yes, employee travel to and from the HMF sites is included in the air quality analysis. See Section 3.3, Air Quality.
- 14) The operations plan, which was used for the energy analysis, does account for non-revenue travel to and from a HMF site, however it does not distinguish between individual sites.
 - 1: See MF-Response-GENERAL-12 and 13.
 - 2: See MF-Response-GENERAL-12 and 13
 - 3: Amtrak service is considered transit for the purposes of this list. The level of detail in the section referred to is appropriate for an Executive Summary.
 - 4: Section 2.2.1 of the EIR/EIS provides information on how trains will operate and planned safety systems.

727-2

A key purpose of the HST system is "to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur..." (see Section 1.2.1). The design of the HST system, including the Fresno to Bakersfield section, must balance a number of objectives, such as maximizing the use of existing transportation alignments to the extent feasible, minimizing impacts on existing land uses where possible, and maximizing intermodal transportation opportunities through station location, as well as meeting the technical specifications necessary to operate an HST at up to 250 miles per hour (see Section 1.2.3).

The existing Fresno Amtrak station is located at Santa Fe Avenue and Tulare Street,

Response to Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

727-2

roughly 8 blocks east of the proposed HST Mariposa Street station. This will not allow for the co-location of the existing Amtrak station and proposed HST station in a single multi-modal facility. The specific means for providing connecting transit between the stations has not been determined. However, likely methods include regularly scheduled shuttles between stations, and/or regularly scheduled stops at each station by FAX system buses (which already provide such service between Amtrak and Greyhound bus terminals).

See MF-Response-GENERAL-12 and MF-Response GENERAL-13 regarding impacts of HST on existing Amtrak service and the analysis of Amtrak on the Initial Construction Segment, respectively.

727-3

Comment # 8: All project designs would accommodate 11-foot vehicles, but a final decision on the vehicle manufacturer has not been made.

Comment #9: As discussed in Section 2.2.1, a System Safety Plan will be developed during final design, which will include specific requirements of the Automatic Train Control system.

Comment #10: The separation between trains proposed for the CA HST system is 2 feet greater than that occurring in other HST systems around the world, therefore this is expected to be a reasonable separation.

Comment #11: Your interpretation of the text is correct.

Comment #12: The examinations discussed would not occur during revenue service, but vehicles used for regularly scheduled service would be temporarily and periodically removed from service for these examinations.

Comment #13: The Control Center will be fully built out before operation of the HST system begins, but is not dependent on full build-out of the HMF if it is located at the HMF. The need for interaction with other control centers will be evaluated during final design.

727-3

Comment #14: Comment noted.

Comment #15: A station at this site was evaluated and eliminated during the Alternatives Analysis process, and therefore it is not necessary to show in these figures.

Comment #16: As discussed in Section 2.3.2, these criteria were used to evaluate HMF sites during screening. See MF-Response-GENERAL-15.

Comment #17: Comment does not raise an environmental issue and no response is necessary.

Comment #18: As stated in the text, the rails would be resurfaced.

Comment #19: A maintenance plan that outlines the frequency of individual maintenance activities will be prepared during final design.

Comment #20: The HMF will be built in phases, but will be constructed to allow for assembly and testing of vehicles by the time that the guideway is complete. 2021 is when full build-out of the HMF is expected.

727-4

Text has been updated in the FEIS.

727-5

NO₂ emissions from switch locomotives were estimated assuming these vehicles would comply with EPA Tier 4 emission standards (which are standards also adopted by CARB) applicable for newly manufactured (after 2015) locomotives (73 FR 88 25098-25352, May 6, 2008) that utilize stringent control technologies and use ultra-low sulfur diesel fuel, and locomotive emission rates were estimated based on locomotive type, notch setting, activity time, and duration.

727-6

Comment #25: Comment acknowledged.

Response to Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

727-6

Details about usage of locomotives for non-revenue operations, including but not limited to, switching at rolling-stock maintenance facility or maintenance-of-way (MOW) during initial years of high-speed rail operations would depend on the service level of the revenue passenger service and operations concept, which has not been finalized.

Comment #26: Comment acknowledged.

Details about usage of locomotives for non-revenue operations, including but not limited to, switching at rolling-stock maintenance facility or maintenance-of-way (MOW) during initial years of high-speed rail operations would depend on the service level of the revenue passenger service and operations concept, which has not been finalized.

Comment #27: Comment acknowledged.

Details of the rolling stock maintenance and overhaul has not been finalized and will be finalized after the trainset technology is selected through competitive bidding process. While most high-speed rail trainset technologies available in the market uses aluminum alloy for car body, bodies are typically painted and therefore, painting capabilities and environmental mitigations for the painting activities should be included in the environmental review documentations.

727-7

California High-Speed Rail will not only transform how Californians move and live throughout this century, and the next, but will be an exemplar of sustainability in its design, construction, operation, and maintenance. Train stations and other high-speed rail facilities and operations all represent opportunities to carry out an array of environmental commitments, quality design practices, procurement procedures, responsible construction practices and energy efficient operations. For a full discussion concerning the CHSRA's Sustainability program, please see the Authority's website at <http://www.cahighspeedrail.ca.gov/sustainability.aspx>.

Concerning renewable energy opportunities, on September 3, 2008, the California High Speed Rail Authority Board adopted a policy "to power the train with clean renewable

727-7

energy, making it the first true zero-emission train in the world." CHSRA's policy of powering the train operations with 100% renewable energy presents a tremendous opportunity for California to improve air quality, minimize environmental degradation, and meet its greenhouse gas reduction goals. The viability of this policy was supported by a feasibility study conducted in 2008 by Navigant, which concluded, "Integrating renewable energy into the high-speed train project would be neither cost- nor resource-prohibitive and would be well in line with the more sustainable future that California is trying to ensure for itself."

Working with the National Renewable Energy Laboratory, the CHSRA is developing a Strategic Energy Plan, which will outline key strategies to guide the CHSRA in meeting its policy goal. For more information on the 100% Renewable Energy Policy Goal, including the Navigant study, please see the above referenced website.

727-8

Although a polished aluminum exterior has been used successfully on aircraft and over the road vehicles (with the exteriors typically fabricated from aluminum sheets), painting of a HSR trainset exterior is the preferred solution as follows:

- 1) Manufacturing - contemporary HSR trainsets are fabricated utilizing aluminum extrusion panels to form the exterior of the trainset. Multiple panels are seam welded to create the sides and roof of the coach. The welded seams are covered using a minimal amount of body filler compound. The exterior surface is then prepared for the painting process. The use of aluminum sheets welded to a frame is typically reserved for the leading end of the trainset.
- 2) Marketing - the "branding" of a HSR service is typically conveyed through the trainset exterior design. The alternatives for exterior design and livery could be limited through the use of a polished (unpainted) exterior.
- 3) Maintenance - The trainsets will be exposed to a harsh operating environment (e.g. salt, sand, airborne pollutants). A routine train wash system will be utilized to maintain the acceptable appearance of the trainset exteriors. An unpainted exterior would also require a regularly scheduled polishing regimen utilizing an abrasive compound to

Response to Submission 727 (Wendy Wenner, Amtrak, High Speed Rail Division, October 13, 2011) - Continued

727-8

remove oxides and restore the bright appearance.

727-9

The commenter misinterprets the 212 operating trains per day for trainsets. The 100 trainsets are expected to make on average 212 train departures per day. This is possible because a trainset can make more than one round trip in a day. However it also means that some of the peak hour train departures will have two trainsets to accommodate the expected peak loads. The reference to 100 trainsets and the 212 train departures are consistent based on the operation plan described in Section 2.6 of the EIR/EIS.

Submission 690 (Diana & Paul LaCome & Guerrero, Associated Professionals and Contractors of California, October 13, 2011)

APAC-ASSOCIATED PROFESSIONALS AND CONTRACTORS of CA

Date: October 13, 2011
To: California High Speed Rail Authority
From: Diana LaCome & Paul Guerrero on behalf of
Associated Professionals and Contractors of CA, Inc.
(dlacome@aol.com, 1(510) 557-3810 ~ pjglaw@yahoo.com 1(209) 451-1047
Re: Response to the Draft Environmental Impact Report/ (EIR) and Study Statement
Merced to Fresno
Public Comment Period: August 08, 2011
Deadline for Public Comment: October 13, 2011

At this time, APAC does not have issues with the proposed alignments for this segment of the project. APAC's major concerns are with Environmental Justice Issues.

Background

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

On June 3, 1994, President Clinton signed Executive Order 12919 that stated, "Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations."

Safety and mobility are two of the U.S. Department of Transportation's (DOT's) top priorities. Achieving environmental justice is another important mission of the agency. Environmental justice and Title VI are not new concerns. Today, because of the information super-highway and high-speed communication tools available to most Americans, transportation planning is receiving greater emphasis and closer scrutiny.

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1

What is Environmental Justice?

Environment justice is a set of legal and regulatory policies and obligations set by Executive Order to be enforced by government agencies utilizing federal funds for transportation projects. The three fundamental environmental justice principles are: 1) To minimize, avoid or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on ethnic minority populations and low income populations; 2) To ensure full and fair participation by all *potentially* affected communities in the transportation decision-making process and 3) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low income populations.

Transportation Planning in the 21st Century

Effective transportation decision making depends upon understanding and properly addressing the unique needs of different socioeconomic groups. This requires comprehensive and inclusive involvement of the public in the planning and implementation of transportation projects. It is critical that transportation projects consider the *Human Environment* first and foremost. To animal and nature conservationist's credit, much attention has been brought to bear on the impact of transportation projects on birds, bees, fish and other insects and animals that balance our sensitive ecological system. Toxins in the air and water, impact all animal and plant life on this ecological bubble we call earth. APAC acknowledges and commends the strides made in these areas by many activist organizations; however, we feel that concern for "people" particularly minority and low income communities is usually not a top priority with transportation agencies. It is usually not among Hollywood elite's popular causes nor a "hot" topic by the media looking for sensationalism in current news. The topic is not sexy and it does not readily sell newspapers and magazines; however, the true negative impact of transportation projects on minority and low income communities can be devastating and destructive with long term and irreversible health conditions.

690-1

APAC believes that the California High Speed Rail has violated the principles of environmental justice during the environmental impact process from Merced to Fresno. APAC feels that the most affected communities of this region (low income, minority, monolingual) were not given ample notice of the impacts of the project. Impacts that include construction, noise, air pollution, possible displacement of homes, schools, shopping areas, etc were not fully and adequately disclosed.

2

Submission 690 (Diana & Paul LaCome & Guerrero, Associated Professionals and Contractors of California, October 13, 2011) - Continued

690-2

The study concludes that “the project would result in impacts on communities of concern that are primarily related to property acquisitions and visual impacts. These impacts would be predominantly borne by communities of concern and would be disproportionately high and adverse compared to impacts on the general population.” (Page 3.12-59)

The perception is, that the study purposely and deliberately limited the study’s scope to *property acquisitions and visual impacts*, ignoring the regions air pollution and devastating effects the High Speed Rail’s diesel engines will have on the region’s air quality and thus on the “communities of concern.”. Please note the following from the Merced to Fresno EIR/EIS, 3:12, Socio-Economics, Communities and Environmental Justice. According to the 2009 U.S. Census Bureau:

- The Hispanic population in Madera, Merced and Fresno Counties was approximately **45%**
- In 2009, the majority of the low income population, within this EIR/EIS study region, was located in the cities of Merced, Madera and Fresno with 26.6%, **24.8%** and **23%** (respectively) “below the poverty level.”

The UPRR/SR 99 Alternative study area contains higher percentages of minority and low-income populations than the BNSF Alternative or Hybrid Alternative study areas of the region. The UPRR/SR99 Alternative study area contained a higher percentage of minority population (69.7%) including a higher percentage of **Hispanic population (53%)** than all of the surrounding cities and counties, except the City of Madera. In addition, the UPRR/SR 99 Alternative study area contained a greater concentration of **Asian population (10%)** than the region, except in the cities of Merced and Fresno. Compared to the region, the UPRR/SR99 Alternative Study area had a lower median household income, a greater percentage of the population below the poverty level and a greater percentage of households with no vehicle. Household that do not have a vehicle are likely to be transit-dependent and have lower incomes.

Within Merced, Madera and Fresno County, as of 2009, according to the California Department of Education; kindergarten through 12th grade students in public schools who receive free school lunches is as follows:

- Merced: 76% Minority Students, 69% receive free lunches, 13% receive reduced price lunches
- Madera: 70% Minority Students, 70% free lunches, 14% reduced price lunches.
- Fresno: 76% Minority Students, 70% free lunches, 11% reduced price lunches

3

These are but a few socio-economic statistics of the “communities of concern”, i.e., minority, low income, and poverty levels in this region. There are real people, seniors, children, handicapped individuals, youth, the working poor, farm workers and others who will be disproportionately impacted with the building of the high speed rail.

The Clean Air Act

Presently, the region is facing a \$29 Million Dollar fine for violation of the clean air act. The act stipulates that no geographical area within a monitoring station can exceed the ozone standard more than three times in three years. The region has two violations to date. One more violation prior to 2013 and the **\$29 Million Dollar** fine will be levied against the public. Payment of this fine will fall upon local citizens of the area in the form of automobile registration fees.

690-3

The EIR’s Environmental Justice study should be revised to address the toxic effects of the diesel engine’s pollution that will impact all local residents of the area. The ecological balance of the region including farm and dairy production will be impacted. Air and noise pollution, transportation re-routes, and general disruption to local communities for several years while under construction will tremendously impact minority and low income communities disproportionately. These communities are usually the ones dependent on public transportation and other public resources... Of special concern are the low income, minority children and seniors who have the least resistance to disease and illnesses. These individuals also have the least number of resources available such as medical, hearing and eyesight services they will require due to the project’s impact...

690-4

Mitigation Recommended

The California High Speed Rail should establish a medical fund of a minimum of \$150 Million Dollars. This fund will be used to establish a medical center and/or hospital with experienced, competent medical professionals whose expertise is the treatment of health related diseases related to air, water and noise pollution, such as smoke inhalation, lung disease and the various relative cancers.

Other mitigation efforts should include: local workforce development and training, loans and grants for business relocations, interim transportation alternatives for the “communities of concern” during construction, priority for local small business contracts and hiring of local employees.

Thank you for allowing APAC to submit comments on the EIR/EIS Study.

4

Response to Submission 690 (Diana & Paul LaCome & Guerrero, Associated Professionals and Contractors of California, October 13, 2011)

690-1

See MF-Response-SOCIAL-7 and MF-Response-GENERAL-17.

690-2

See MF-Response-SOCIAL-7. In addition, please refer to Section 3.12.5.3, Socioeconomics, Communities, and Environmental Justice, under Environmental Effects Disproportionately Borne by Communities of Concern and Table 3.12-17 for a comprehensive discussion of potential environmental justice impacts.

690-3

See MF-Response-GENERAL-4, MF-Response-S&S-1, MF-Response-TRAFFIC-1, and MF-Response-AIR QUALITY-3.

690-4

See MF-Response-SOCIAL-7, MF-Response-NOISE-6, MF-Response-AQ-3, MF-Response-SOCIAL-3, MF-Response-TRAFFIC-1, and MF-Response-GENERAL-19. Establishment of a medical fund is beyond the purview and responsibility of the Authority and will not be completed as part of this project. See Section 3.10 of the EIR/EIS regarding impacts from hazardous materials.

Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011)

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SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

FILE NO.: 33268.002

September 15, 2011

VIA FEDEX; ALSO HAND-DELIVERED
AT THE MADERA, CALIFORNIA HEARING

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Azteca Milling, L.P.'s Comments on the Merced to Fresno Draft EIR/EIS

Ladies and Gentlemen:

This firm represents Azteca Milling, L.P. ("Azteca Milling"), and this letter will constitute Azteca Milling's formal written comments on the Merced to Fresno Draft EIR/EIS (the "EIR/EIS") for the California High-Speed Rail ("HSR"). This letter is delivered in conjunction with Azteca Milling's oral comments that will be given at the public hearing on the EIR/EIS that will be held in Madera, California on September 15, 2011.

Azteca Milling operates a corn milling facility located at 23865 Avenue 18 in Madera County, California and a grain storage facility located approximately two miles away at 20100 Fairmead Blvd., also in Madera County. While Azteca Milling takes no position regarding the HSR in general, it strongly opposes the proposed UPRR/SR 99 route between Merced and Fresno because it could destroy Azteca Milling's corn milling facility, which has been operating for over 40 years. Also, if the Avenue 21 Wye variation of the UPRR/SR 99 route were chosen, it could cut off or seriously impede access to Azteca Milling's grain storage facility, destroying or seriously reducing the value of such facility. Azteca Milling believes that the EIR/EIS does not adequately address the impacts of the UPRR/SR 99 alternative route on Azteca Milling, its employees or grain suppliers, or on the County of Madera and surrounding areas as a whole. Further, Azteca Milling believes that the EIR/EIS does not adequately account for the cost of the taking of Azteca Milling's property that will be payable if the UPRR/SR 99 route is selected.

This letter will (i) provide some general information about Azteca Milling; (ii) provide specific information about Azteca Milling's Madera corn milling facility; (iii) provide specific information about Azteca Milling's Madera grain storage facility; (iv) discuss Azteca Milling's plans to expand its Madera corn milling facility; (v) discuss the impact of the UPRR/SR 99 route on Azteca Milling's Madera corn milling facility; (vi) discuss the impact of the UPRR/SR 99

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route on Azteca Milling's Madera grain storage facility; (vii) estimate the cost of the taking of Azteca Milling's properties at its Madera corn milling facility that would be incurred if the UPRR/SR 99 route were chosen; (viii) estimate the cost of the taking or impairment of Azteca Milling's access rights at its Madera grain storage facility that would be incurred if the Avenue 21 Wye variation of the UPRR/SR 99 route were chosen; (ix) discuss the impacts on Azteca Milling's employees and grain suppliers, and on the County of Madera and surrounding areas as a whole, of the loss of or damage to Azteca Milling's corn milling facility and/or grain storage facility; and (x) discuss certain deficiencies in the EIR/EIS insofar as it relates to Azteca Milling and its properties.

Azteca Milling

Azteca Milling is one of the largest producers of corn masa flour in the United States, with corn flour facilities located in Madera, California, Edinburg, Texas, Plainview, Texas, Amarillo, Texas, Henderson, Kentucky, and Evansville, Indiana. Azteca Milling's corn milling facilities in the U.S. have a total production capacity of approximately 900,000 tons per year. Affiliates of Azteca Milling produce corn masa flour in many other countries in the world, including Mexico, Costa Rica, Honduras, Guatemala, El Salvador, Venezuela, and Italy. Azteca Milling's principal brands are MASECA and MASA MIXTA.

Corn masa flour is used in the production of tortillas, tortilla chips, taco shells, and related food products. Azteca Milling is affiliated with Gruma Corporation, one of the largest producers of tortillas in the United States. Gruma Corporation's principal brands are MISSION and GUERRERO.

Azteca Milling's Madera Corn Milling Facility

Azteca Milling's Madera corn milling facility was initially constructed more than 40 years ago, but has been modernized and expanded since. The facility was acquired by Azteca Milling in 1996. The facility is operated 24 hours a day, seven days a week, and produces approximately 55,000 tons of corn masa flour per year. The facility processes approximately 3,000,000 bushels of corn each year, approximately 95% of which is purchased from farmers in Madera, Fresno, Merced, Yolo, and San Joaquin Counties. The corn milling facility includes the corn milling plant proper, extensive warehouse facilities, loading dock facilities, a maintenance shop, a headquarters building, certain miscellaneous buildings and structures, approximately 188 acres of farm land that is irrigated with waste water from the plant, and grain storage facilities for approximately 1.6 million bushels of corn. A photograph of the principal structures within the facility is attached as Exhibit A to this letter, and a diagram showing the locations of several of the facility components (including the principal components of the corn milling plant proper) is attached as Exhibit B to this letter.

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Although the Madera facility is one of Azteca Milling's smaller corn milling facilities, it is nonetheless very important to Azteca Milling, because it focuses on the production of specialty stone ground corn masa flour that serves niche markets, such as organic corn masa flour, corn masa flour produced using non-genetically modified corn (which is generally produced for export purposes), and corn masa flour used in producing snack food products. In total, Azteca Milling produces approximately 40 different varieties of corn masa flour at its Madera facility—far more varieties than it produces at any of its other corn milling facilities. If Azteca Milling were to lose its Madera corn milling facility, it would be difficult for Azteca Milling to move the production from the Madera facility to its other corn milling facilities, since the other facilities are not well-suited for small-batch, specialty corn masa flour production, and most of the other facilities do not have stone ground capability.

The San Joaquin Valley is a major market for Azteca Milling's corn masa flour in the United States, and Azteca Milling's Madera corn milling facility does not have sufficient capacity to meet all of that demand. Accordingly, Azteca Milling ships corn masa flour produced at its other facilities to the Madera facility for distribution by the Madera facility. The total corn masa flour sold from the Madera facility (including both corn masa flour produced there and corn masa flour shipped there from other Azteca Milling facilities) represents approximately 11% of Azteca Milling's total U.S. corn masa flour sales.

Azteca Milling's Madera Grain Storage Facility

Azteca Milling's Madera grain storage facility was constructed beginning in the 1950s, and was acquired by Azteca Milling in 1996 at the same time as Azteca Milling acquired its Madera corn milling facility. The grain storage facility has a total grain storage capacity of approximately 1.14 million bushels. The grain storage facility also has grain cleaning and bagging facilities. While Azteca Milling sells some corn from its grain storage facility, the facility is primarily used to store corn that is to be milled at Azteca Milling's Madera corn milling facility. Attached as Exhibit C to this letter is a ground-level photograph of Azteca Milling's Madera grain storage facility, and attached as Exhibit D to this letter is an aerial photograph of the facility.

As is evident from the aerial photograph, the grain storage facility is located on a narrow strip of land nestled between the Union Pacific right of way and State Highway 99. Grain enters and leaves the facility exclusively by truck. Trucks bringing grain to the facility exit State Highway 99 at Avenue 20-1/2, take Avenue 20-1/2 east over the overpass for the Union Pacific Railroad, turn south on Fairmead Boulevard, follow Fairmead Boulevard as it jogs to the west and crosses the Union Pacific tracks at grade, turn right (north) and travel along the westerly side of the grain storage facility, then turn right (east) at the northerly end of the facility where they are weighed, then turn south along the easterly side of the facility where they unload, then travel around the facility to the scales at the northerly end of the facility where they are re-weighed, and

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then travel back to the southerly end of the facility property where they re-cross the Union Pacific right of way, all as shown on Exhibit D to this letter.

This route, which crosses the Union Pacific right of way at grade both when entering and leaving the facility property, is the only practicable truck route to service the facility. (Service directly from Avenue 20-1/2 would be dangerous and would require too sharp of a turn off the off-ramp.)

Azteca Milling's Plans for Expanding its Madera Corn Milling Facility

Azteca Milling intends to expand its corn masa flour production capacity in the United States within the next two to three years; and it has decided, on a preliminary basis, to add that capacity at its Madera corn milling facility. Such expansion will involve adding a new corn milling unit to the facility that will increase production capacity by approximately 140%, increase corn usage by approximately 4,000,000 bushels, and increase employment at the facility by around 30 workers. The total cost of the expansion will exceed \$50,000,000, and construction is estimated to take two to three years.

Azteca Milling has never constructed or added to a corn milling facility in California before because of high costs and a difficult regulatory process. However, it believes that adding to its Madera corn milling facility could make sense because the facility already exists, is already permitted, and has a system in place for the treatment of wastewater that is effective and has greater potential capacity.

Impact of the UPRR/SR 99 Route on Azteca Milling's Madera Corn Milling Facility.

Volume III of the EIR/EIS contains a series of drawings that show the proposed right of way for the HSR along the various proposed routes. Attached as Exhibit E to this letter is a copy of Drawing No. T2110-A, which shows the location of the HSR right of way near Azteca Milling's corn milling facility along the UPRR/SR 99 alternative. (The drawing is the same for both the Avenue 21 and Avenue 24 Wye versions.) The diagram that is attached as Exhibit B to this letter is marked to show the approximate location of the HSR right of way, as suggested by Drawing No. T2110-A.

It is clear from these Exhibits that construction of the HSR along the UPRR/SR 99 alternative route would require the demolition of at least six of the grain storage tanks on the corn milling facility property plus certain other buildings or structures located near the corn milling plant proper. Would the construction of the HSR also require the destruction of a portion of corn milling plant proper? This is unclear in part because the exact location of the HSR right of way in the vicinity of the plant is not as yet known. Per a representative of the engineering

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firm that prepared the drawings in question, the right of way lines that are shown on such drawings were drawn with the precision of a "crayon line drawn on a map."

In order to provide more precise information about the extent of the demolition of Azteca Milling property that will be required, the HSR Authority will (among other things) need to (i) survey the UPRR right of way and the PG&E gas line right of way; (ii) determine the distance that should be maintained between the HSR structure and Azteca Milling's improvements in order to facilitate construction of the HSR and to prevent damage to Azteca Milling's remaining improvements due to noise and vibration from the HSR; and (iii) determine the precise locations of the PG&E gas lines, and the distance that must be maintained between such gas lines and the HSR in order to ensure safety. In this connection, Azteca Milling understands that in the wake of the San Bruno gas line disaster, PG&E has designated these gas lines for a safety study, and in the meantime has reduced the pressure in the lines. Note also that a few years ago, a farm worker was killed within a quarter of a mile of Azteca Milling's corn milling facility when the ripper he was operating struck one of the PG&E gas lines that passes by the facility.

If the corn milling plant proper can be maintained intact, Azteca Milling believes that it will (granted sufficient time and resources, and assuming excellent cooperation from the Authority) be able to salvage the corn milling facility as a whole. But if the corn milling plant proper is breached, the integrity of the corn milling facility as a whole will be compromised, and it will probably not make economic sense to try to rebuild the facility after the demolition. In this connection, it should be noted that (i) the corn milling plant proper is the heart of the corn milling facility where all of the important processes are performed--everything else in the corn milling facility is ancillary to the plant proper; (ii) the plant proper contains the most valuable fixtures and equipment in the corn milling facility; (iii) the plant proper is housed in a concrete tilt-up building that, once breached, would be difficult to restore; (iv) the plant proper contains a number of different types of equipment (e.g., corn cooker, steeping tanks, stone grinders, driers, hammer mill, and packaging equipment), all of which must be used in series in order to produce corn masa flour; and (v) some of the most vital items of equipment (i.e., the corn cooker, one of the driers, two of the stone grinders, and some of the steeping tanks) are located very close to the southerly wall of the plant proper, and hence very close to the HSR right of way.

Impact of the UPRR/SR 99 Route on Azteca Milling's Madera Grain Storage Facility

Azteca Milling's Madera grain storage facility is located on the opposite side of the UPRR right of way from the proposed HSR right of way. Accordingly, the only direct negative impact the HSR could have on the grain storage facility would be to limit or cut off access to the facility across the UPRR right of way. (Of course, since Azteca Milling's Madera corn milling facility and grain storage facility are operated as an integrated business, any negative impact the HSR may have on the corn milling facility will have an indirect negative impact on the grain storage facility.)

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In this connection, please see Drawing No. T2314-A, a copy of which is attached as Exhibit F to this letter. This drawing, which appears in Volume III of the EIR/EIS, shows the location of the HSR near Azteca Milling's grain storage facility along the Avenue 24 Wye variation of the UPRR/SR 99 alternative route of the HSR. Note that the drawing shows the HSR being constructed on an elevated basis in this location. Assuming that the Authority would permit trucks to pass under the HSR on their way to and from Azteca Milling's grain storage facility, both during and after the construction of the HSR, the Avenue 24 Wye variation would not have a direct negative impact upon Azteca Milling's grain storage facility.

See also Drawing No. T2202-A, a copy of which is attached as Exhibit G to this letter. This drawing, which appears in Volume III of the EIR/EIS, shows the location of the HSR near Azteca Milling's grain storage facility along the Avenue 21 Wye variation of the UPRR/SR 99 alternative route of the HSR. Note that the drawing shows the HSR being constructed at grade in the vicinity of the grain storage facility. With no truck access, the grain storage facility would be worthless.

However, Azteca Milling understands that the Authority proposes to construct an underpass along Fairmead Boulevard that would go under the rights of way of both the HSR and the UPRR and afford truck access to Azteca Milling's grain storage facility. This would be a long and expensive underpass, since it would need to go under both rights of way, and would also presumably need to go under the PG&E gas line that runs parallel to the two rights of way. The Authority proposes that the grade of Fairmead Boulevard both approaching and leaving the underpass be six percent, the maximum grade that is generally allowed for public highways. A grade this steep would permit the road to reach ground level approximately 300 feet from the underpass. If Fairmead Boulevard is curved to the north on the Azteca Milling side of the rights of way, there should be sufficient space to fit 300 foot ramps on both sides of the proposed underpass.

Would an underpass with ramps having a six percent grade be sufficient for Azteca Milling's needs? Probably not. During harvest time, sometimes as many as 40 fully-loaded grain trucks line up along Fairmead Boulevard to deliver corn to Azteca Milling's grain storage facility. The line of trucks waits until a truck is unloaded, and then moves forward one truck-length as the next truck in line positions itself to be unloaded. Hence, the underpass would meet Azteca Milling's needs only if the weakest, most heavily-laden, of these trucks could reasonably be expected to pull itself out from the underpass from a dead stop. Is this a reasonable expectation? Probably not; many of the trucks that deliver corn to Azteca Milling's grain storage facility are older vehicles owned by farmers or harvesters that are used and licensed only during harvest time, and are driven by workers who are not professional truck drivers.

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Accordingly, the Avenue 21 Wye variation of the UPRR/SR 99 alternative route could have a direct negative impact upon the value of Azteca Milling's Madera corn milling facility, even if the underpass that is proposed by the Authority is constructed.

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Costs of Taking Azteca Milling's Properties at its Corn Milling Facility if the UPRR/SR 99 Route is Chosen.

California Code of Civil Procedure Section 1263.270 provides that where an improvement pertaining to property being condemned is located in part upon property not taken, the court may, on motion of any party and a determination that justice so requires, direct the condemnor to acquire the entire improvement, including the part located on property not taken. If the UPRR/SR 99 alternative route for the HSR were selected, and the Authority were to condemn all or any portion of the corn milling plant proper located at Azteca Milling's Madera corn milling facility, Azteca Milling would likely take the position that the Authority should be required to condemn the entire corn milling facility, because the corn milling facility is an integrated special use property with little or no value absent an intact corn milling plant proper.

The measure of compensation to be awarded for property taken is the fair market value of that property. (Cal. CCP Section 1263.310) Where the condemnation proceeding takes property occupied by a business, the owner of the business is entitled to compensation for loss of goodwill if he or she can prove that the loss is caused by the taking of the property, the loss cannot reasonably be prevented by a relocation of the business or taking other prudent steps to preserve the goodwill, and the owner will not otherwise be compensated for the loss of goodwill. (Cal. CCP Section 1263.510).

What is the fair market value of Azteca Milling's Madera, California corn milling facility, including the fair market value of the business that is associated therewith? Azteca Milling estimates a value of around \$100 million.

Of course, the Authority could argue that Azteca Milling could, by taking reasonable measures, retain at least a portion of the goodwill associated with its Madera corn milling facility even if the facility itself were taken. However, as has been pointed out, much of the goodwill would inevitably be lost, due to the difficulty of transferring the specialized production of the Madera corn milling facility to other facilities, and the time required to construct a replacement facility. (It generally takes two to three years to construct a new corn milling facility.) Suffice it to say that the cost of taking Azteca Milling's Madera corn milling facility would be large.

What would be the cost to the Authority of taking a portion of Azteca Milling's corn milling facility if the corn milling plant proper were not compromised? Azteca Milling believes that at a minimum, the Authority would be required to take six or more grain storage tanks, the compressor, the boiler, and a portion of the maintenance building, and also, possibly, the well

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that supplies processing water for the facility. If that were the case, Azteca Milling estimates that it would take approximately \$5,000,000 and 18 months to restore the corn milling facility to operating order. The lost profits and loss of goodwill that would be suffered by Azteca Milling during the 18-month period the facility was not operating would be significant, and should be recoverable by Azteca Milling. Hopefully the Authority would be willing to enter into an agreement with Azteca Milling whereby Azteca Milling would be paid for the cost of constructing replacement facilities before the old facilities were taken, so that Azteca Milling could continue operating without interruption and avoid these losses.

It should also be noted that in order to minimize Azteca Milling's losses, the Authority would need to cooperate with Azteca Milling both during the course of construction and after the HSR became operational. Consider, for example, the delivery of corn from the corn storage silos at the corn milling facility to the corn milling plant proper. Exhibit H to this letter is an aerial photograph of the principal structures of the corn milling facility. At the top (north) of the picture is a large group of silos. The corn that is to be milled at the corn milling plant proper is received and stored there. In the middle of the picture are the main facility buildings, which are constructed in the form of a "U," with the corn truck unloading ramp/grain receiving area located near the mill receiving tanks along the northerly side of the "U." When corn is needed at the mill, it is loaded onto semi tractor-trailers (with double trailers) at the silos and trucked to the corn truck unloading ramp at the mill along the route that is marked on Exhibit H. As shown on the photograph, the route follows the road along the easterly side of the buildings, then turns west and follows the road along the southerly side of the buildings, then turns north and follows the road that runs adjacent to the UPRR right of way and PG&E easement for a short distance, then turns east between the two wings of the "U"-shaped buildings to the corn truck unloading ramp next to the mill receiving tanks, then continues to the bottom of the "U," where the trucks make a "U" turn and then leave the "U" along the same route they followed when coming in.

Attached as Exhibit I to this letter is a photograph showing two semi tractor-trailers (each with a double trailer) hauling corn to the corn truck unloading ramp. The semi tractor-trailer at the bottom of the photograph (which is only partially shown) is travelling east between the wings of the "U" approaching the corn truck unloading ramp. The semi tractor-trailer at the top of the photograph is about to make the turn to travel east towards the corn truck unloading ramp. Note that the semi tractor-trailer at the top of the photograph is driving very close to the PG&E easement in order to make the right-hand turn to go east towards the corn truck unloading ramp. This route that is used by Azteca Milling's corn delivery trucks could be disrupted by the HSR right of way, in that the trucks would no longer have room to make the necessary right-hand turn towards the corn truck unloading ramp.

Once the HSR right of way is completed, this problem could potentially be resolved by permitting Azteca Milling's grain trucks to travel under the elevated HSR tracks between the

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support columns, and then back under the tracks and towards the "U." (It would be important to make sure that the route did not cross over the PG&E gas lines.) Of course, this would require that the Authority permit truck travel under its tracks and also that the Authority position its columns appropriately so as to facilitate such travel. Proper positioning would also be required in order to permit Azteca Milling to continue to use its rail spur (which is vital for its business operations, since Azteca Milling ships and receives significant amounts of corn masa flour by rail).

While it seems reasonable to suppose that appropriate solutions of this type can be found that will work once the HSR is completed, Azteca Milling suspects that it will be difficult to find solutions that will permit Azteca Milling to continue its operations without interruption at all times while construction is taking place. Azteca Milling will, of course, expect to be appropriately compensated for any business interruptions.

Costs of Taking or Impairing Access to Azteca Milling's Grain Storage Facility if the Avenue 21 Wye Variation of the UPRR/SR 99 Route is Chosen.

If the Avenue 24 Wye version of the UPRR/SR 99 alternative route is chosen, the HSR will have no long-term direct effect on Azteca Milling's Madera grain storage facility, since the HSR tracks will be elevated in the vicinity of the facility. But if the Avenue 21 Wye version of the UPRR/SR 99 Route is chosen, and the only truck access provided for the grain storage facility is an underpass under the PG&E pipeline, the UPRR right of way, and the HSR right of way that is accessed over a road with a six percent grade approaching the underpass, the HSR could have a substantially negative impact on the grain storage facility.

In that case, Azteca Milling should be entitled to recover from the Authority the difference between the fair market value of the grain storage facility before the taking and the fair market value of the facility after the taking. Azteca Milling estimates that the current fair market value of the facility is approximately \$6,000,000. What will it be worth after the taking? That is difficult to say, but it will no doubt be worth less—perhaps significantly less.

Presumably the underpass can be constructed before the HSR itself is constructed, so as to avoid cutting off access to the grain storage facility during the course of construction. However, if that cannot be done, Azteca Milling should be entitled to compensation for the loss of the use of its facility during construction.

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Impacts on Azteca Milling's Employees and Grain Suppliers, and on the County of Madera and Surrounding Areas as a Whole, of the Loss of or Harm to Azteca Milling's Corn Milling Facility and/or Grain Storage Facility.

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Azteca Milling currently employs a total of 100 employees at its Madera corn milling and grain storage facilities, who in turn support approximately 300 other people. These jobs pay living wages and provide full benefits, including matching 401(k) contributions. Many of Azteca Milling's Madera employees have been with the company (or its predecessors) for 30 years or more. They are well-trained and loyal, and their interests should be properly taken into account.

Azteca Milling paid approximately \$240,000 in property taxes for 2010 on its Madera corn milling and grain storage facilities.

Azteca Milling purchases approximately 3,000,000 bushels of corn each year, mostly from approximately 50 farmers in the San Joaquin Valley.

The loss of Azteca Milling's Madera corn milling and/or grain storage facilities would take away these jobs, tax revenues, and corn purchases. Were it to lose its Madera corn milling facility, Azteca Milling would likely rebuild (because it needs the capacity), but probably not in California. Other states tend to have lower building costs, less stringent regulatory requirements, and less red tape.

If Azteca Milling's corn milling and/or grain storage facilities were merely damaged, rather than completely taken or rendered unusable, the losses of jobs, tax revenues, and corn purchases would presumably be less, but could still be substantial.

If the UPRR/SR 99 alternative is chosen, Azteca Milling will likely decide not to expand its Madera corn milling facility, and instead to install the additional capacity it needs elsewhere. If the decision as to an alternative route is delayed past the first quarter of 2012, Azteca Milling will likely choose to install the additional capacity it needs elsewhere, since it will need the additional capacity soon, and must therefore decide where to install it shortly.

If Azteca Milling elects not to expand its Madera corn milling facility, the County of Madera and surrounding areas will lose an investment of approximately \$50,000,000, plus approximately 30 new jobs, plus approximately 4,000,000 bushels of new potential corn purchases per year.

Deficiencies in the EIR/EIS Relating to Azteca Milling

The EIR/EIS appears to be deficient in the following respects in relation to Azteca Milling:

1. The EIR/EIS does not appropriately discuss the value of Azteca Milling to Madera County or surrounding areas, or the risk posed by the HSR to the jobs, tax revenues,

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and corn purchases that Azteca Milling provides. Indeed, although the EIR/EIS goes on for thousands of pages, it apparently never refers to Azteca Milling by name.

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2. The EIR/EIS does not discuss the benefit to Madera County or surrounding areas of the proposed expansion of Azteca Milling's Madera corn flour facility, or the risk to such proposed expansion that is posed by the HSR.
3. The EIR/EIS does not provide sufficient information to determine the potential effect on Azteca Milling's Madera corn milling facility of the UPRR/SR 99 alternative route of the HSR. This is a glaring deficiency, since a difference of just a few feet in the placement of the track and/or in the improvements to be demolished could make tens of millions of dollars of difference in the amount of Azteca Milling's potential damages.

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4. The EIR/EIS does not provide any analysis of the impact of the PG&E gas line easements on the placement of the HSR right of way. This is also a glaring deficiency, granted the recent tragedies at Madera and San Bruno.

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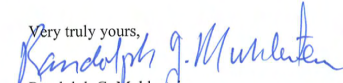
5. The Capital Cost Estimate Report the Authority has made available in conjunction with the EIR/EIS is totally deficient in its analysis of the estimated costs of the purchase of real estate that will be required in connection with any of the proposed alternative routes. The most specific information that Azteca Milling could locate was a single line-item entry for the cost of "purchase or lease of real estate" under the category of "sitework, right of way, land, existing improvements." This line item was, in the case of the UPRR/SR 99 alternative, \$307,098,000, plus a contingency amount of \$61,419,600, for a total cost of \$368,517,600, which presumably covers all such costs for the entire alternative route from Merced to Fresno. This amount seems extremely low, since potentially one fourth of this amount could be spent with respect to the acquisition of property rights from Azteca Milling alone. In any event, the Azteca Milling costs are sufficiently large as to merit separate consideration in the EIR/EIS and/or the Capital Cost Estimate Report.

Azteca Milling respectfully requests that the Authority correct these deficiencies as soon as possible, and in any event before making a decision regarding the route to be taken by the HSR. Azteca Milling also urges the Authority to make its decision regarding the alternative route to be taken by the HSR before the end of the first quarter of 2012, so that Azteca Milling can plan appropriately for the expansion, reconstruction, or potential closure of its Madera facilities.

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Azteca Milling reserves the right to supplement its comments as additional information becomes available.

Very truly yours,

Randolph G. Muhlestein
for MUSICK, PEELER & GARRETT LLP

Attachments

cc: Mr. Barry Runyon (Via Email; w/attachments)
Mr. Alberto Jacques (Via Email; w/attachments)
Mr. Angel Tamez (Via Email; w/attachments)
Lic. Salvador Elias (Via Email; w/attachments)
Mr. Gerardo Oseguera (Via Email; w/attachments)
Mr. Bobby Kahn (Via Email; w/attachments)

Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011) - Continued

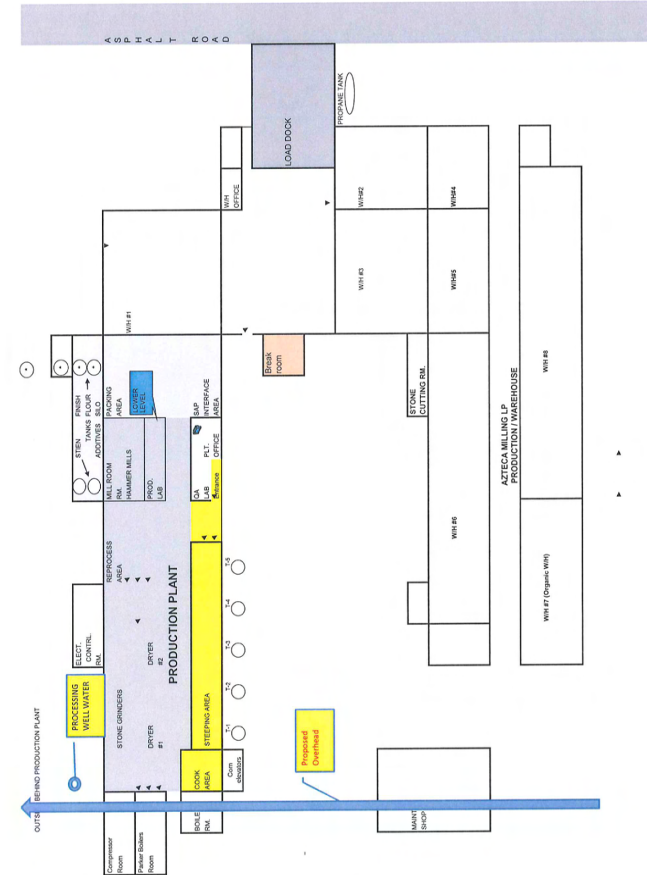


Exhibit B-1

Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011) - Continued

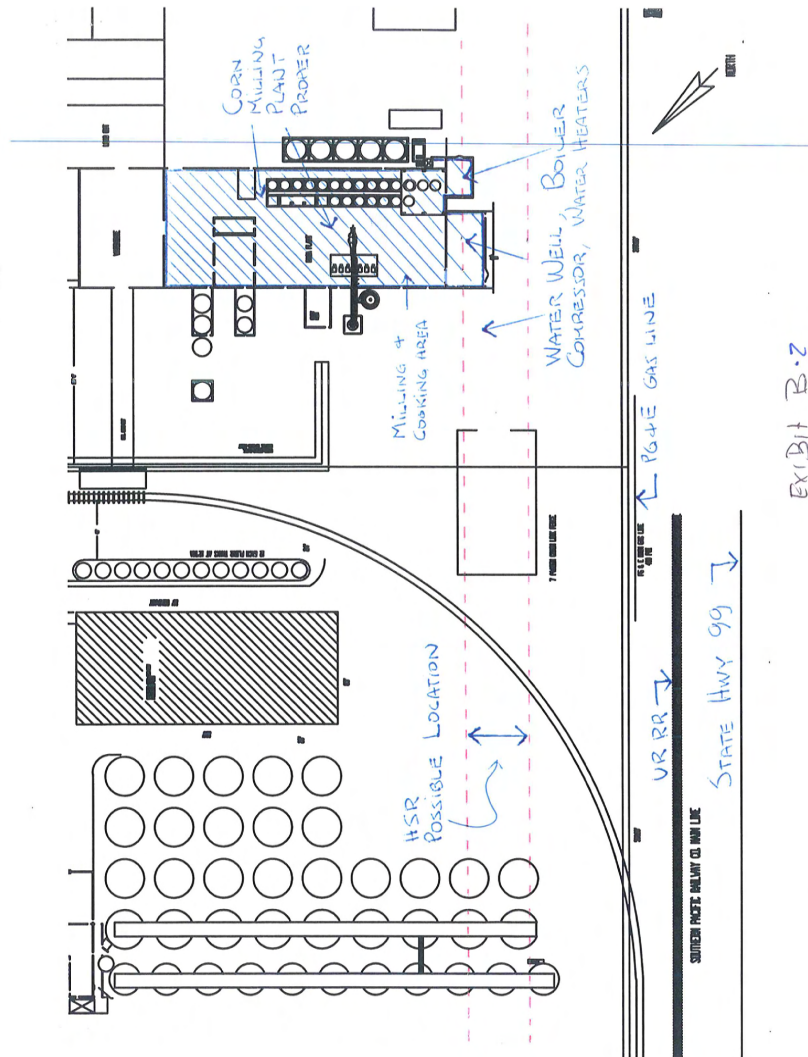


EXHIBIT B-2

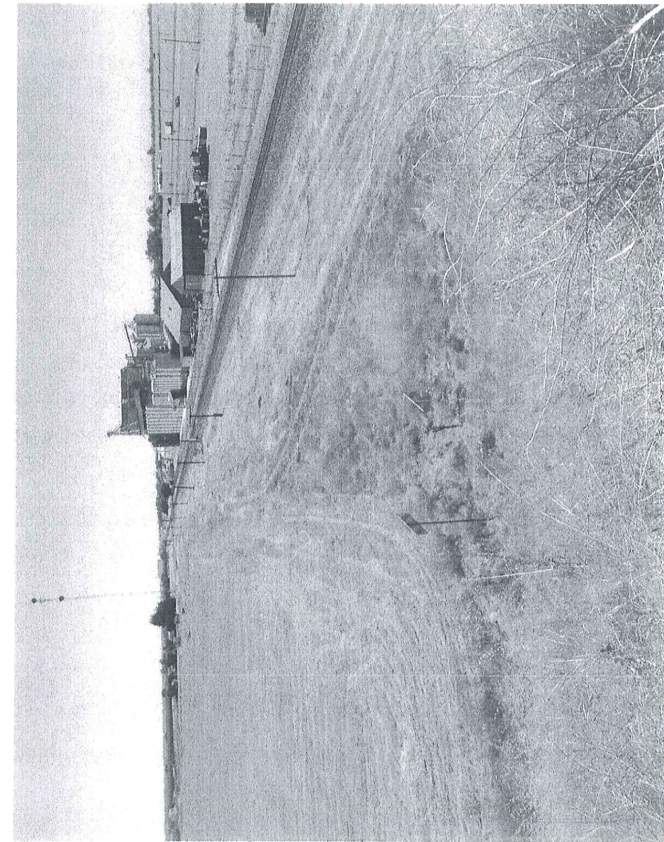


Exhibit C

Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011) - Continued



Exhibit D

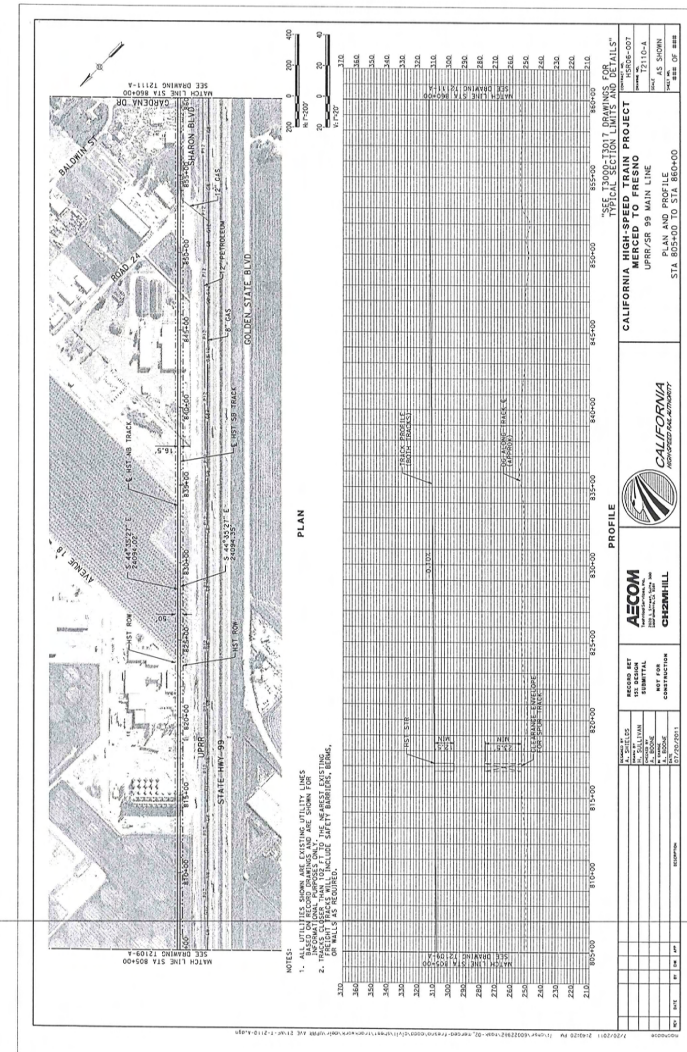
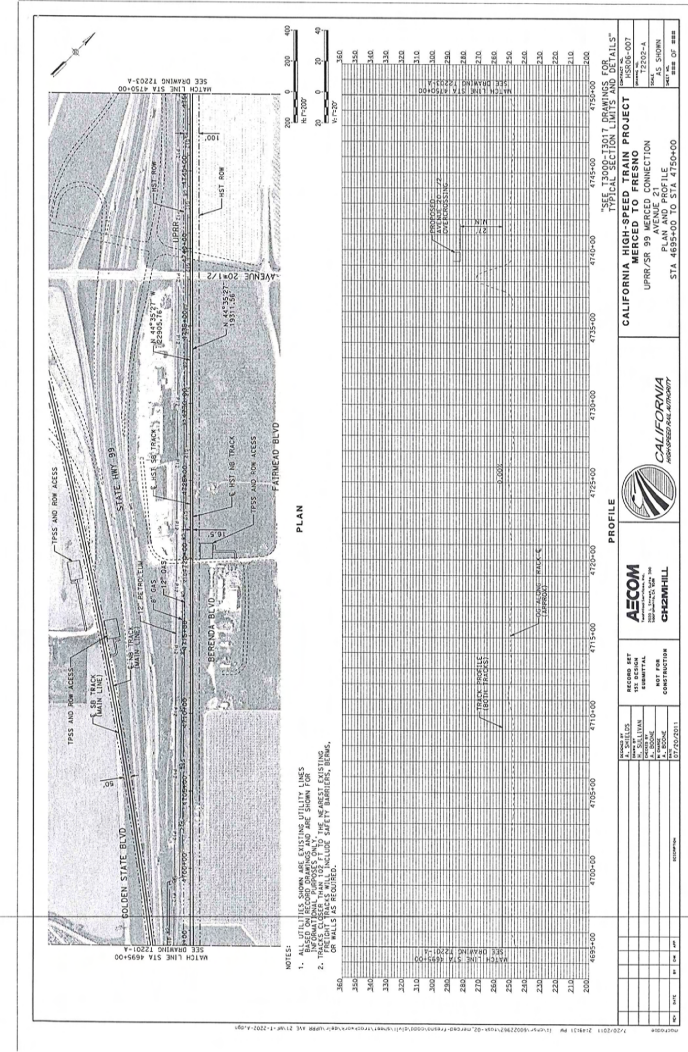
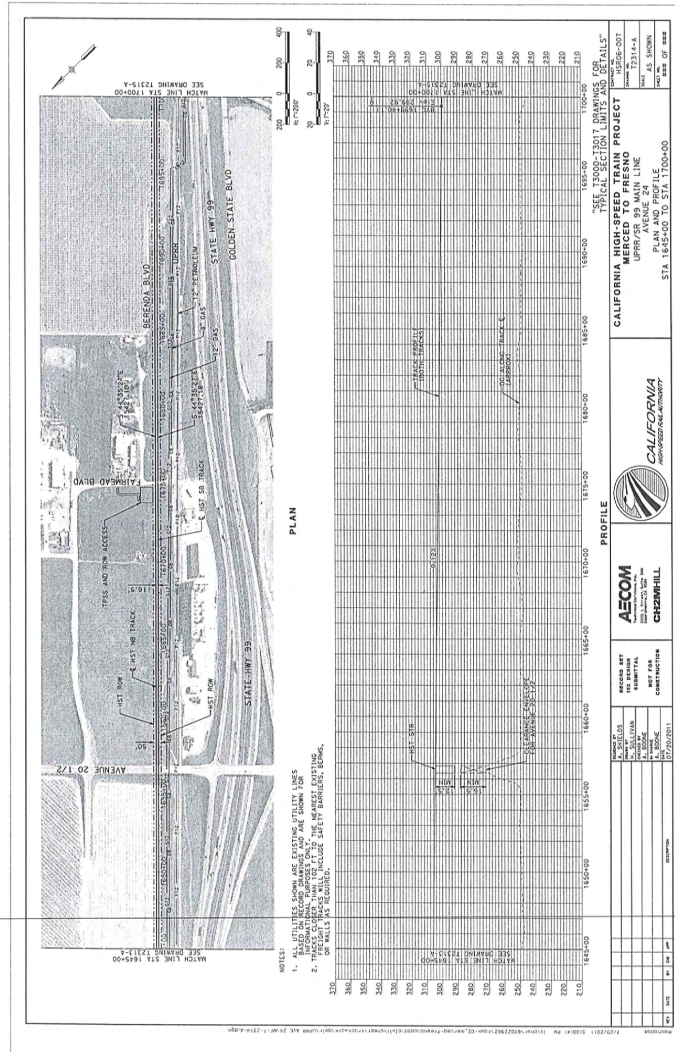


Exhibit E

Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011) - Continued



Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011) - Continued

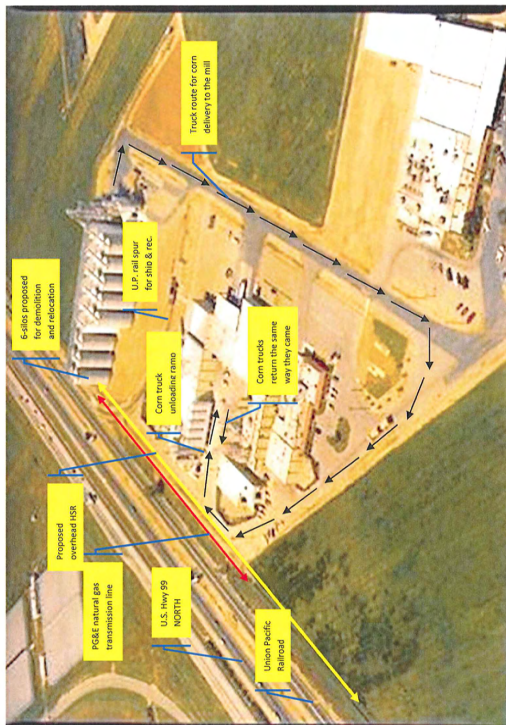


Exhibit 1



Response to Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for), September 15, 2011)

348-1

If the selected alternative is chosen, additional engineering work will be performed to identify an alignment solution that avoids disruption to the facility and provide adequate truck access across the HST tracks at the Madera grain storage facility. See MF-Response SOCIAL-1 regarding acquisitions. See MF-Response-GENERAL-1 regarding the level of detail.

High-pressure natural gas lines are identified in Section 3.6 Public Utilities and Energy as "high risk" utilities. Not every utility is discussed in detail in the section; however, the Authority and the FRA are aware of the gas and petroleum lines that currently run parallel to the east side of SR 99 (see Figure 3.6-5). The HST footprint would be located east of these existing utilities. During construction, the potential for accidental disruption of utility systems, including buried utility lines, is low due to the established practices of utility identification. During operation, the likelihood of a catastrophic industrial accident adjacent to the HST alignment is low and hazards from nearby facilities are considered negligible under NEPA and less than significant under CEQA. Please refer to Section 3.6 Public Utilities and Energy and Section 3.11 Safety and Security for more information.

348-2

See MF-Response-SOCIAL-1, MF-Response-SOCIAL-3, MF-Response-SOCIAL-8 and MF-Response-GENERAL-10.

348-3

See MF-Response-SOCIAL-1, MF-Response-GENERAL-8, MF-Response-GENERAL-4, MF-Response-SOCIAL-3, and MF Response-SOCIAL-8.

348-4

MF-Response-SOCIAL-1.

348-5

Major public utilities within the study area include facilities for electricity, natural gas and petroleum distribution, telecommunications, potable water, stormwater, wastewater, and solid waste. As discussed in Section 3.6 Public Utilities and Energy, various service providers maintain utilities and associated easements within the study area. The

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Authority continues to coordinate with utility owners to identify their facilities and easements. It is assumed that all utilities can be either relocated or upgraded in place to accommodate the HST.

High pressure natural gas lines are identified in Section 3.6 Public Utilities and Energy as "high risk" utilities. High-pressure natural gas distribution lines generally follow existing transportation corridors (e.g., roads and railroad tracks). From the City of Merced through the City of Madera, natural gas transmission mains parallel the east side of the UPRR tracks. There are also several high-pressure natural gas lines that cross the study area in the City of Merced and between the community of Fairmead and the City of Madera. In the City of Madera, a high-pressure gas main and a gas transmission line cross the study area. In Fresno, two natural gas distribution lines cross the study area. Section 3.6 Public Utilities and Energy enumerates the number of gas lines near the proposed alternatives, concluding that the UPRR/SR 99 Alternative would be near the greatest number of gas lines (and, thus, would have the greatest associated risk).

During construction, the potential for accidental disruption of utility systems including overhead utility lines (e.g., telephone and cable television) and buried utility lines (e.g., water, wastewater, and natural gas lines) is low due to the established practices of utility identification. All relocations will comply with the requirements of Government Code section 4216, including advance notification, physical markings, and liability for costs and damage. All relocations will comply with the requirements of Government Code section 4216, including advance notification, physical markings, and liability for costs and damages. Where existing underground utilities such as gas, petroleum, and water pipelines would remain in the HST right of way, the utilities would be placed in a protective casing to accommodate future maintenance activities. High risk facilities are further addressed in Section 3.11 Safety and Security. Because the likelihood of a catastrophic industrial accident adjacent to the HST alignment is low, the hazards from nearby facilities are considered negligible under NEPA and less than significant under CEQA for all HST alternative alignments.

348-6

At the 15% level of preliminary engineering, site specific estimates for modifications to

Response to Submission 348 (Azteca Milling Azteca Milling, Azteca Milling (Attny for),
September 15, 2011) - Continued

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facilities, such as Azteca Milling, have not been produced. The cost estimates contained in the Draft EIR/EIS are based on 20% of the base costs for right-of-way acquisition and within the specific construction cost line items for Demolition, Site Clearing, and Site Preparation; and Site Utilities, Utility Relocation. For additional detailed information, please refer to the Merced to Fresno HST Project Capital Cost Estimate Report, July 2011, available on the Authority's website at:
<http://www.cahighspeedrail.ca.gov/draft-eir-m-f.aspx>.

Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011)

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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

FILE NO.: 33268.002

October 13, 2011

VIA EMAIL

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Azteca Milling, L.P.'s Supplementary Comments on the Merced to Fresno Draft EIR/EIS

Ladies and Gentlemen:

This firm represents Azteca Milling, L.P. ("Azteca Milling"). This letter will supplement Azteca Milling's oral and written comments on the Merced to Fresno Draft EIR/EIS (the "EIR/EIS") for the California High-Speed Rail ("HSR") that were delivered to the HSR Authority (the "Authority") at the public hearing on the EIR/EIS that was held in Madera, California on September 15, 2011. A copy of the written comments is attached for your reference.

In Azteca Milling's earlier oral and written comments, Azteca Milling expressed concern that the Avenue 21 Wye version of the UPRR/SR 99 route would cut off access to Azteca Milling's Madera grain storage facility, and that the underpass proposed by the Authority would not provide an adequate "fix" for the problem because it would have a six percent grade—the grade being potentially too steep for the old, heavily-laden, grain trucks that load and unload at the facility. Since submitting its earlier comments, Azteca Milling has learned that the underpass proposed by the Authority would actually have a six percent grade on one side and an eight percent grade on the other, exacerbating the problem. Attached for your reference is a copy of Drawing HSR06-007, which shows the proposed underpass as reflected in the EIR/EIS.

As indicated in its earlier oral and written comments, Azteca Milling is considering expanding its Madera, California corn milling facility, which expansion would cost approximately \$50,000,000, would increase production by approximately 140%, would increase corn usage (mostly from local farmers) by approximately 4,000,000 bushels per year, and would increase employment at the facility by around 30 workers. However, Azteca Milling needs the additional capacity soon, and will need to make a decision about where to put it shortly. If the decision regarding the routing of the HSR between Merced and Fresno is not made by around the

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California High-Speed Rail Authority
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Page 2

end of the first quarter of 2012, Azteca Milling will be obliged to look elsewhere to construct the additional capacity it needs.

In its recent communications, the Authority has indicated that it plans to issue the final environmental report for the Merced to Fresno section of the HSR "in early 2012." Azteca Milling respectfully requests that the final environmental report be completed quickly, and reiterates its request that the routing decision be made before the end of the first quarter of 2012, so that Azteca Milling can plan appropriately for the expansion, reconstruction, or potential closure of its Madera facilities.

Please feel free to contact Azteca Milling or me with any questions you may have.

Very truly yours,

Randolph G. Muhlestein
Randolph G. Muhlestein
for MUSICK, PEELER & GARRETT LLP

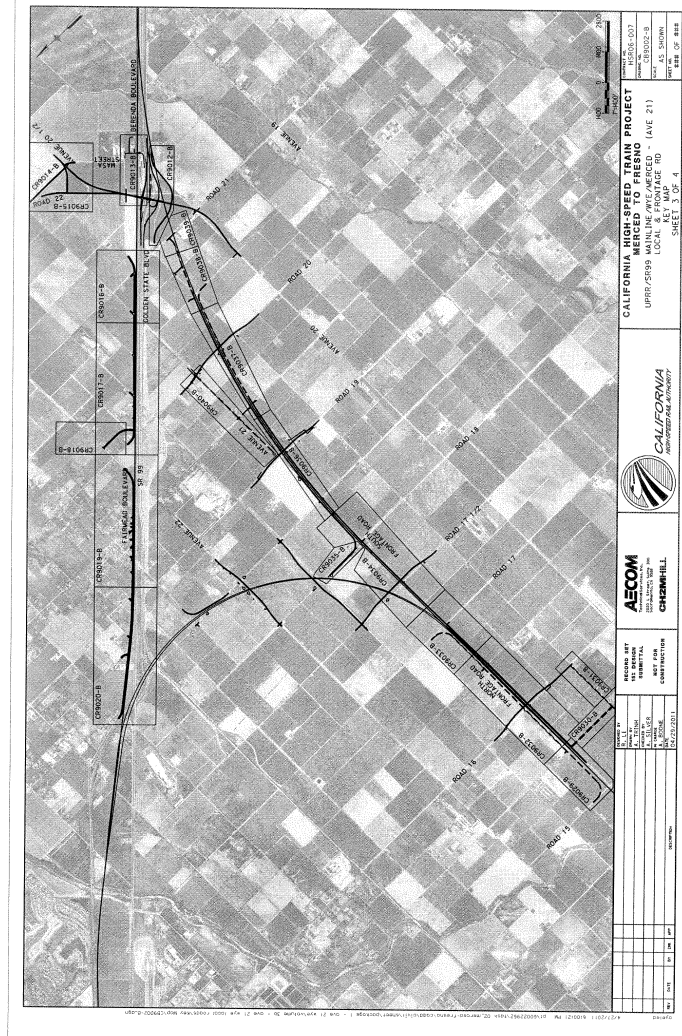
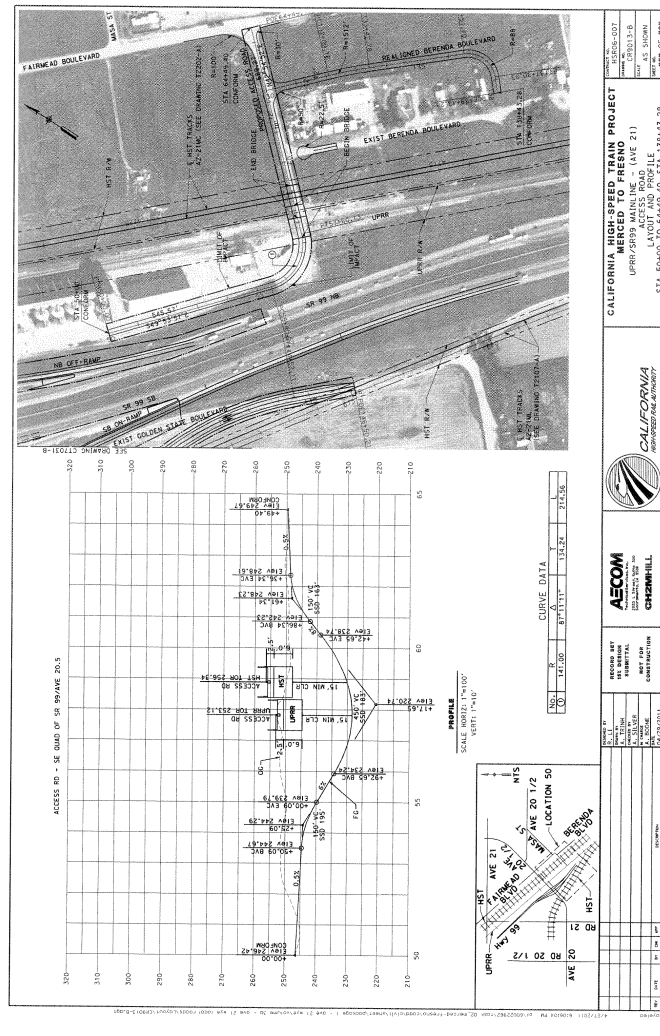
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709-1

Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - Continued



Response to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick,
Peeler & Garrett LLP, October 13, 2011)

709-1

If this alternative is chosen, additional engineering work will be performed to identify an alignment solution that avoids disruption to the facility and provide adequate truck access across the HST tracks at the Madera grain storage facility. See MF-Response-SOCIAL-3.

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf

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ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

FILE NO.: 33268.002

September 15, 2011

VIA FEDEX; ALSO HAND-DELIVERED
AT THE MADERA, CALIFORNIA HEARING

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Azteca Milling, L.P.'s Comments on the Merced to Fresno Draft EIR/EIS

Ladies and Gentlemen:

This firm represents Azteca Milling, L.P. ("Azteca Milling"), and this letter will constitute Azteca Milling's formal written comments on the Merced to Fresno Draft EIR/EIS (the "EIR/EIS") for the California High-Speed Rail ("HSR"). This letter is delivered in conjunction with Azteca Milling's oral comments that will be given at the public hearing on the EIR/EIS that will be held in Madera, California on September 15, 2011.

Azteca Milling operates a corn milling facility located at 23865 Avenue 18 in Madera County, California and a grain storage facility located approximately two miles away at 20100 Fairmead Blvd., also in Madera County. While Azteca Milling takes no position regarding the HSR in general, it strongly opposes the proposed UPRR/SR 99 route between Merced and Fresno because it could destroy Azteca Milling's corn milling facility, which has been operating for over 40 years. Also, if the Avenue 21 Wye variation of the UPRR/SR 99 route were chosen, it could cut off or seriously impede access to Azteca Milling's grain storage facility, destroying or seriously reducing the value of such facility. Azteca Milling believes that the EIR/EIS does not adequately address the impacts of the UPRR/SR 99 alternative route on Azteca Milling, its employees or grain suppliers, or on the County of Madera and surrounding areas as a whole. Further, Azteca Milling believes that the EIR/EIS does not adequately account for the cost of the taking of Azteca Milling's property that will be payable if the UPRR/SR 99 route is selected.

This letter will (i) provide some general information about Azteca Milling; (ii) provide specific information about Azteca Milling's Madera corn milling facility; (iii) provide specific information about Azteca Milling's Madera grain storage facility; (iv) discuss Azteca Milling's plans to expand its Madera corn milling facility; (v) discuss the impact of the UPRR/SR 99 route on Azteca Milling's Madera corn milling facility; (vi) discuss the impact of the UPRR/SR 99

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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Page 2

route on Azteca Milling's Madera grain storage facility; (vii) estimate the cost of the taking of Azteca Milling's properties at its Madera corn milling facility that would be incurred if the UPRR/SR 99 route were chosen; (viii) estimate the cost of the taking or impairment of Azteca Milling's access rights at its Madera grain storage facility that would be incurred if the Avenue 21 Wye variation of the UPRR/SR 99 route were chosen; (ix) discuss the impacts on Azteca Milling's employees and grain suppliers, and on the County of Madera and surrounding areas as a whole, of the loss of or damage to Azteca Milling's corn milling facility and/or grain storage facility; and (x) discuss certain deficiencies in the EIR/EIS insofar as it relates to Azteca Milling and its properties.

Azteca Milling

Azteca Milling is one of the largest producers of corn masa flour in the United States, with corn flour facilities located in Madera, California, Edinburg, Texas, Plainview, Texas, Amarillo, Texas, Henderson, Kentucky, and Evansville, Indiana. Azteca Milling's corn milling facilities in the U.S. have a total production capacity of approximately 900,000 tons per year. Affiliates of Azteca Milling produce corn masa flour in many other countries in the world, including Mexico, Costa Rica, Honduras, Guatemala, El Salvador, Venezuela, and Italy. Azteca Milling's principal brands are MASECA and MASA MIXTA.

Corn masa flour is used in the production of tortillas, tortilla chips, taco shells, and related food products. Azteca Milling is affiliated with Gruma Corporation, one of the largest producers of tortillas in the United States. Gruma Corporation's principal brands are MISSION and GUERRERO.

Azteca Milling's Madera Corn Milling Facility

Azteca Milling's Madera corn milling facility was initially constructed more than 40 years ago, but has been modernized and expanded since. The facility was acquired by Azteca Milling in 1996. The facility is operated 24 hours a day, seven days a week, and produces approximately 55,000 tons of corn masa flour per year. The facility processes approximately 3,000,000 bushels of corn each year, approximately 95% of which is purchased from farmers in Madera, Fresno, Merced, Yolo, and San Joaquin Counties. The corn milling facility includes the corn milling plant proper, extensive warehouse facilities, loading dock facilities, a maintenance shop, a headquarters building, certain miscellaneous buildings and structures, approximately 188 acres of farm land that is irrigated with waste water from the plant, and grain storage facilities for approximately 1.6 million bushels of corn. A photograph of the principal structures within the facility is attached as Exhibit A to this letter, and a diagram showing the locations of several of the facility components (including the principal components of the corn milling plant proper) is attached as Exhibit B to this letter.

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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Although the Madera facility is one of Azteca Milling's smaller corn milling facilities, it is nonetheless very important to Azteca Milling, because it focuses on the production of specialty stone ground corn masa flour that serves niche markets, such as organic corn masa flour, corn masa flour produced using non-genetically modified corn (which is generally produced for export purposes), and corn masa flour used in producing snack food products. In total, Azteca Milling produces approximately 40 different varieties of corn masa flour at its Madera facility—far more varieties than it produces at any of its other corn milling facilities. If Azteca Milling were to lose its Madera corn milling facility, it would be difficult for Azteca Milling to move the production from the Madera facility to its other corn milling facilities, since the other facilities are not well-suited for small-batch, specialty corn masa flour production, and most of the other facilities do not have stone ground capability.

The San Joaquin Valley is a major market for Azteca Milling's corn masa flour in the United States, and Azteca Milling's Madera corn milling facility does not have sufficient capacity to meet all of that demand. Accordingly, Azteca Milling ships corn masa flour produced at its other facilities to the Madera facility for distribution by the Madera facility. The total corn masa flour sold from the Madera facility (including both corn masa flour produced there and corn masa flour shipped there from other Azteca Milling facilities) represents approximately 11% of Azteca Milling's total U.S. corn masa flour sales.

Azteca Milling's Madera Grain Storage Facility

Azteca Milling's Madera grain storage facility was constructed beginning in the 1950s, and was acquired by Azteca Milling in 1996 at the same time as Azteca Milling acquired its Madera corn milling facility. The grain storage facility has a total grain storage capacity of approximately 1.14 million bushels. The grain storage facility also has grain cleaning and bagging facilities. While Azteca Milling sells some corn from its grain storage facility, the facility is primarily used to store corn that is to be milled at Azteca Milling's Madera corn milling facility. Attached as Exhibit C to this letter is a ground-level photograph of Azteca Milling's Madera grain storage facility, and attached as Exhibit D to this letter is an aerial photograph of the facility.

As is evident from the aerial photograph, the grain storage facility is located on a narrow strip of land nestled between the aerial Pacific right of way and State Highway 99. Grain enters and leaves the facility exclusively by truck. Trucks bringing grain to the facility exit State Highway 99 at Avenue 20-1/2, take Avenue 20-1/2 east over the overpass for the Union Pacific Railroad, turn south on Fairmead Boulevard, follow Fairmead Boulevard as it jogs to the west and crosses the Union Pacific tracks at grade, turn right (north) and travel along the westerly side of the grain storage facility, then turn right (east) at the northerly end of the facility where they are weighed, then turn south along the easterly side of the facility where they unload, then travel around the facility to the scales at the northerly end of the facility where they are re-weighed, and

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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then travel back to the southerly end of the facility property where they re-cross the Union Pacific right of way, all as shown on Exhibit D to this letter.

This route, which crosses the Union Pacific right of way at grade both when entering and leaving the facility property, is the only practicable truck route to service the facility. (Service directly from Avenue 20-1/2 would be dangerous and would require too sharp of a turn off the off-ramp.)

Azteca Milling's Plans for Expanding its Madera Corn Milling Facility

Azteca Milling intends to expand its corn masa flour production capacity in the United States within the next two to three years; and it has decided, on a preliminary basis, to add that capacity at its Madera corn milling facility. Such expansion will involve adding a new corn milling unit to the facility that will increase production capacity by approximately 140%, increase corn usage by approximately 4,000,000 bushels, and increase employment at the facility by around 30 workers. The total cost of the expansion will exceed \$50,000,000, and construction is estimated to take two to three years.

Azteca Milling has never constructed or added to a corn milling facility in California before because of high costs and a difficult regulatory process. However, it believes that adding to its Madera corn milling facility could make sense because the facility already exists, is already permitted, and has a system in place for the treatment of wastewater that is effective and has greater potential capacity.

Impact of the UPRR/SR 99 Route on Azteca Milling's Madera Corn Milling Facility.

Volume III of the EIR/EIS contains a series of drawings that show the proposed right of way for the HSR along the various proposed routes. Attached as Exhibit E to this letter is a copy of Drawing No. T2110-A, which shows the location of the HSR right of way near Azteca Milling's corn milling facility along the UPRR/SR 99 alternative. (The drawing is the same for both the Avenue 21 and Avenue 24 Wye versions.) The diagram that is attached as Exhibit B to this letter is marked to show the approximate location of the HSR right of way, as suggested by Drawing No. T2110-A.

It is clear from these Exhibits that construction of the HSR along the UPRR/SR 99 alternative route would require the demolition of at least six of the grain storage tanks on the corn milling facility property plus certain other buildings or structures located near the corn milling plant proper. Would the construction of the HSR also require the destruction of a portion of corn milling plant proper? This is unclear in part because the exact location of the HSR right of way in the vicinity of the plant is not as yet known. Per a representative of the engineering

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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California High-Speed Rail Authority
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firm that prepared the drawings in question, the right of way lines that are shown on such drawings were drawn with the precision of a "crayon line drawn on a map."

In order to provide more precise information about the extent of the demolition of Azteca Milling property that will be required, the HSR Authority will (among other things) need to (i) survey the UPRR right of way and the PG&E gas line right of way; (ii) determine the distance that should be maintained between the HSR structure and Azteca Milling's improvements in order to facilitate construction of the HSR and to prevent damage to Azteca Milling's remaining improvements due to noise and vibration from the HSR; and (iii) determine the precise locations of the PG&E gas lines, and the distance that must be maintained between such gas lines and the HSR in order to ensure safety. In this connection, Azteca Milling understands that in the wake of the San Bruno gas line disaster, PG&E has designated these gas lines for a safety study, and in the meantime has reduced the pressure in the lines. Note also that a few years ago, a farm worker was killed within a quarter of a mile of Azteca Milling's corn milling facility when the ripper he was operating struck one of the PG&E gas lines that passes by the facility.

If the corn milling plant proper can be maintained intact, Azteca Milling believes that it will (granted sufficient time and resources, and assuming excellent cooperation from the Authority) be able to salvage the corn milling facility as a whole. But if the corn milling plant proper is breached, the integrity of the corn milling facility as a whole will be compromised, and it will probably not make economic sense to try to rebuild the facility after the demolition. In this connection, it should be noted that (i) the corn milling plant proper is the heart of the corn milling facility where all of the important processes are performed--everything else in the corn milling facility is ancillary to the plant proper; (ii) the plant proper contains the most valuable fixtures and equipment in the corn milling facility; (iii) the plant proper is housed in a concrete tilt-up building that, once breached, would be difficult to restore; (iv) the plant proper contains a number of different types of equipment (e.g., corn cooker, steeping tanks, stone grinders, driers, hammer mill, and packaging equipment), all of which must be used in series in order to produce corn masa flour; and (v) some of the most vital items of equipment (i.e., the corn cooker, one of the driers, two of the stone grinders, and some of the steeping tanks) are located very close to the southerly wall of the plant proper, and hence very close to the HSR right of way.

Impact of the UPRR/SR 99 Route on Azteca Milling's Madera Grain Storage Facility

Azteca Milling's Madera grain storage facility is located on the opposite side of the UPRR right of way from the proposed HSR right of way. Accordingly, the only direct negative impact the HSR could have on the grain storage facility would be to limit or cut off access to the facility across the UPRR right of way. (Of course, since Azteca Milling's Madera corn milling facility and grain storage facility are operated as an integrated business, any negative impact the HSR may have on the corn milling facility will have an indirect negative impact on the grain storage facility.)

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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ATTORNEYS AT LAW

California High-Speed Rail Authority
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Page 6

In this connection, please see Drawing No. T2314-A, a copy of which is attached as Exhibit F to this letter. This drawing, which appears in Volume III of the EIR/EIS, shows the location of the HSR near Azteca Milling's grain storage facility along the Avenue 24 Wye variation of the UPRR/SR 99 alternative route of the HSR. Note that the drawing shows the HSR being constructed on an elevated basis in this location. Assuming that the Authority would permit trucks to pass under the HSR on their way to and from Azteca Milling's grain storage facility, both during and after the construction of the HSR, the Avenue 24 Wye variation would not have a direct negative impact upon Azteca Milling's grain storage facility.

See also Drawing No. T2202-A, a copy of which is attached as Exhibit G to this letter. This drawing, which appears in Volume III of the EIR/EIS, shows the location of the HSR near Azteca Milling's grain storage facility along the Avenue 21 Wye variation of the UPRR/SR 99 alternative route of the HSR. Note that the drawing shows the HSR being constructed at grade in the vicinity of the grain storage facility. With no truck access, the grain storage facility would be worthless.

However, Azteca Milling understands that the Authority proposes to construct an underpass along Fairmead Boulevard that would go under the rights of way of both the HSR and the UPRR and afford truck access to Azteca Milling's grain storage facility. This would be a long and expensive underpass, since it would need to go under both rights of way, and would also presumably need to go under the PG&E gas line that runs parallel to the two rights of way. The Authority proposes that the grade of Fairmead Boulevard both approaching and leaving the underpass be six percent, the maximum grade that is generally allowed for public highways. A grade this steep would permit the road to reach ground level approximately 300 feet from the underpass. If Fairmead Boulevard is curved to the north on the Azteca Milling side of the rights of way, there should be sufficient space to fit 300 foot ramps on both sides of the proposed underpass.

Would an underpass with ramps having a six percent grade be sufficient for Azteca Milling's needs? Probably not. During harvest time, sometimes as many as 40 fully-loaded grain trucks line up along Fairmead Boulevard to deliver corn to Azteca Milling's grain storage facility. The line of trucks waits until a truck is unloaded, and then moves forward one truck-length as the next truck in line positions itself to be unloaded. Hence, the underpass would meet Azteca Milling's needs only if the weakest, most heavily-laden, of these trucks could reasonably be expected to pull itself out from the underpass from a dead stop. Is this a reasonable expectation? Probably not; many of the trucks that deliver corn to Azteca Milling's grain storage facility are older vehicles owned by farmers or harvesters that are used and licensed only during harvest time, and are driven by workers who are not professional truck drivers.

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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Accordingly, the Avenue 21 Wye variation of the UPRR/SR 99 alternative route could have a direct negative impact upon the value of Azteca Milling's Madera corn milling facility, even if the underpass that is proposed by the Authority is constructed.

Costs of Taking Azteca Milling's Properties at its Corn Milling Facility if the UPRR/SR 99 Route is Chosen.

California Code of Civil Procedure Section 1263.270 provides that where an improvement pertaining to property being condemned is located in part upon property not taken, the court may, on motion of any party and a determination that justice so requires, direct the condemner to acquire the entire improvement, including the part located on property not taken. If the UPRR/SR 99 alternative route for the HSR were selected, and the Authority were to condemn all or any portion of the corn milling plant proper located at Azteca Milling's Madera corn milling facility, Azteca Milling would likely take the position that the Authority should be required to condemn the entire corn milling facility, because the corn milling facility is an integrated special use property with little or no value absent an intact corn milling plant proper.

The measure of compensation to be awarded for property taken is the fair market value of that property. (Cal. CCP Section 1263.310) Where the condemnation proceeding takes property occupied by a business, the owner of the business is entitled to compensation for loss of goodwill if he or she can prove that the loss is caused by the taking of the property, the loss cannot reasonably be prevented by a relocation of the business or taking other prudent steps to preserve the goodwill, and the owner will not otherwise be compensated for the loss of goodwill. (Cal. CCP Section 1263.510).

What is the fair market value of Azteca Milling's Madera, California corn milling facility, including the fair market value of the business that is associated therewith? Azteca Milling estimates a value of around \$100 million.

Of course, the Authority could argue that Azteca Milling could, by taking reasonable measures, retain at least a portion of the goodwill associated with its Madera corn milling facility even if the facility itself were taken. However, as has been pointed out, much of the goodwill would inevitably be lost, due to the difficulty of transferring the specialized production of the Madera corn milling facility to other facilities, and the time required to construct a replacement facility. (It generally takes two to three years to construct a new corn milling facility.) Suffice it to say that the cost of taking Azteca Milling's Madera corn milling facility would be large.

What would be the cost to the Authority of taking a portion of Azteca Milling's corn milling facility if the corn milling plant proper were not compromised? Azteca Milling believes that at a minimum, the Authority would be required to take six or more grain storage tanks, the compressor, the boiler, and a portion of the maintenance building, and also, possibly, the well

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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that supplies processing water for the facility. If that were the case, Azteca Milling estimates that it would take approximately \$5,000,000 and 18 months to restore the corn milling facility to operating order. The lost profits and loss of goodwill that would be suffered by Azteca Milling during the 18-month period the facility was not operating would be significant, and should be recoverable by Azteca Milling. Hopefully the Authority would be willing to enter into an agreement with Azteca Milling whereby Azteca Milling would be paid for the cost of constructing replacement facilities before the old facilities were taken, so that Azteca Milling could continue operating without interruption and avoid these losses.

It should also be noted that in order to minimize Azteca Milling's losses, the Authority would need to cooperate with Azteca Milling both during the course of construction and after the HSR became operational. Consider, for example, the delivery of corn from the corn storage silos at the corn milling facility to the corn milling plant proper. Exhibit H to this letter is an aerial photograph of the principal structures of the corn milling facility. At the top (north) of the picture is a large group of silos. The corn that is to be milled at the corn milling plant proper is received and stored there. In the middle of the picture are the main facility buildings, which are constructed in the form of a "U," with the corn truck unloading ramp/grain receiving area located near the mill receiving tanks along the northerly side of the "U." When corn is needed at the mill, it is loaded onto semi tractor-trailers (with double trailers) at the silos and trucked to the corn truck unloading ramp at the mill along the route that is marked on Exhibit H. As shown on the photograph, the route follows the road along the easterly side of the buildings, then turns west and follows the road along the southerly side of the buildings, then turns north and follows the road that runs adjacent to the UPRR right of way and PG&E easement for a short distance, then turns east between the two wings of the "U"-shaped buildings to the corn truck unloading ramp next to the mill receiving tanks, then continues to the bottom of the "U," where the trucks make a "U" turn and then leave the "U" along the same route they followed when coming in.

Attached as Exhibit I to this letter is a photograph showing two semi tractor-trailers (each with a double trailer) hauling corn to the corn truck unloading ramp. The semi tractor-trailer at the bottom of the photograph (which is only partially shown) is travelling east between the wings of the "U" approaching the corn truck unloading ramp. The semi tractor-trailer at the top of the photograph is about to make the turn to travel east towards the corn truck unloading ramp. Note that the semi tractor-trailer at the top of the photograph is driving very close to the PG&E easement in order to make the right-hand turn to go east towards the corn truck unloading ramp. This route that is used by Azteca Milling's corn delivery trucks could be disrupted by the HSR right of way, in that the trucks would no longer have room to make the necessary right-hand turn towards the corn truck unloading ramp.

Once the HSR right of way is completed, this problem could potentially be resolved by permitting Azteca Milling's grain trucks to travel under the elevated HSR tracks between the

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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support columns, and then back under the tracks and towards the "U." (It would be important to make sure that the route did not cross over the PG&E gas lines.) Of course, this would require that the Authority permit truck travel under its tracks and also that the Authority position its columns appropriately so as to facilitate such travel. Proper positioning would also be required in order to permit Azteca Milling to continue to use its rail spur (which is vital for its business operations, since Azteca Milling ships and receives significant amounts of corn masa flour by rail).

While it seems reasonable to suppose that appropriate solutions of this type can be found that will work once the HSR is completed, Azteca Milling suspects that it will be difficult to find solutions that will permit Azteca Milling to continue its operations without interruption at all times while construction is taking place. Azteca Milling will, of course, expect to be appropriately compensated for any business interruptions.

Costs of Taking or Impairing Access to Azteca Milling's Grain Storage Facility if the Avenue 21 Wye Variation of the UPRR/SR 99 Route is Chosen.

If the Avenue 24 Wye version of the UPRR/SR 99 alternative route is chosen, the HSR will have no long-term direct effect on Azteca Milling's Madera grain storage facility, since the HSR tracks will be elevated in the vicinity of the facility. But if the Avenue 21 Wye version of the UPRR/SR 99 Route is chosen, and the only truck access provided for the grain storage facility is an underpass under the PG&E pipeline, the UPRR right of way, and the HSR right of way that is accessed over a road with a six percent grade approaching the underpass, the HSR could have a substantially negative impact on the grain storage facility.

In that case, Azteca Milling should be entitled to recover from the Authority the difference between the fair market value of the grain storage facility before the taking and the fair market value of the facility after the taking. Azteca Milling estimates that the current fair market value of the facility is approximately \$6,000,000. What will it be worth after the taking? That is difficult to say, but it will no doubt be worth less—perhaps significantly less.

Presumably the underpass can be constructed before the HSR itself is constructed, so as to avoid cutting off access to the grain storage facility during the course of construction. However, if that cannot be done, Azteca Milling should be entitled to compensation for the loss of the use of its facility during construction.

Impacts on Azteca Milling's Employees and Grain Suppliers, and on the County of Madera and Surrounding Areas as a Whole, of the Loss of or Harm to Azteca Milling's Corn Milling Facility and/or Grain Storage Facility.

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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Azteca Milling currently employs a total of 100 employees at its Madera corn milling and grain storage facilities, who in turn support approximately 300 other people. These jobs pay living wages and provide full benefits, including matching 401(k) contributions. Many of Azteca Milling's Madera employees have been with the company (or its predecessors) for 30 years or more. They are well-trained and loyal, and their interests should be properly taken into account.

Azteca Milling paid approximately \$240,000 in property taxes for 2010 on its Madera corn milling and grain storage facilities.

Azteca Milling purchases approximately 3,000,000 bushels of corn each year, mostly from approximately 50 farmers in the San Joaquin Valley.

The loss of Azteca Milling's Madera corn milling and/or grain storage facilities would take away these jobs, tax revenues, and corn purchases. Were it to lose its Madera corn milling facility, Azteca Milling would likely rebuild (because it needs the capacity), but probably not in California. Other states tend to have lower building costs, less stringent regulatory requirements, and less red tape.

If Azteca Milling's corn milling and/or grain storage facilities were merely damaged, rather than completely taken or rendered unusable, the losses of jobs, tax revenues, and corn purchases would presumably be less, but could still be substantial.

If the UPRR/SR 99 alternative is chosen, Azteca Milling will likely decide not to expand its Madera corn milling facility, and instead to install the additional capacity it needs elsewhere. If the decision as to an alternative route is delayed past the first quarter of 2012, Azteca Milling will likely choose to install the additional capacity it needs elsewhere, since it will need the additional capacity soon, and must therefore decide where to install it shortly.

If Azteca Milling elects not to expand its Madera corn milling facility, the County of Madera and surrounding areas will lose an investment of approximately \$50,000,000, plus approximately 30 new jobs, plus approximately 4,000,000 bushels of new potential corn purchases per year.

Deficiencies in the EIR/EIS Relating to Azteca Milling

The EIR/EIS appears to be deficient in the following respects in relation to Azteca Milling:

1. The EIR/EIS does not appropriately discuss the value of Azteca Milling to Madera County or surrounding areas, or the risk posed by the HSR to the jobs, tax revenues,

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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and corn purchases that Azteca Milling provides. Indeed, although the EIR/EIS goes on for thousands of pages, it apparently never refers to Azteca Milling by name.

2. The EIR/EIS does not discuss the benefit to Madera County or surrounding areas of the proposed expansion of Azteca Milling's Madera corn flour facility, or the risk to such proposed expansion that is posed by the HSR.

3. The EIR/EIS does not provide sufficient information to determine the potential effect on Azteca Milling's Madera corn milling facility of the UPRR/SR 99 alternative route of the HSR. This is a glaring deficiency, since a difference of just a few feet in the placement of the track and/or in the improvements to be demolished could make tens of millions of dollars of difference in the amount of Azteca Milling's potential damages.

4. The EIR/EIS does not provide any analysis of the impact of the PG&E gas line easements on the placement of the HSR right of way. This is also a glaring deficiency, granted the recent tragedies at Madera and San Bruno.

5. The Capital Cost Estimate Report the Authority has made available in conjunction with the EIR/EIS is totally deficient in its analysis of the estimated costs of the purchase of real estate that will be required in connection with any of the proposed alternative routes. The most specific information that Azteca Milling could locate was a single line-item entry for the cost of "purchase or lease of real estate" under the category of "sitework, right of way, land, existing improvements." This line item was, in the case of the UPRR/SR 99 alternative, \$307,098,000, plus a contingency amount of \$61,419,600, for a total cost of \$368,517,600, which presumably covers all such costs for the entire alternative route from Merced to Fresno. This amount seems extremely low, since potentially one fourth of this amount could be spent with respect to the acquisition of property rights from Azteca Milling alone. In any event, the Azteca Milling costs are sufficiently large as to merit separate consideration in the EIR/EIS and/or the Capital Cost Estimate Report.


Azteca Milling respectfully requests that the Authority correct these deficiencies as soon as possible, and in any event before making a decision regarding the route to be taken by the HSR. Azteca Milling also urges the Authority to make its decision regarding the alternative route to be taken by the HSR before the end of the first quarter of 2012, so that Azteca Milling can plan appropriately for the expansion, reconstruction, or potential closure of its Madera facilities.

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

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Azteca Milling reserves the right to supplement its comments as additional information becomes available.

Very truly yours,

Randolph G. Muhlestein
for MUSICK, PEELER & GARRETT LLP

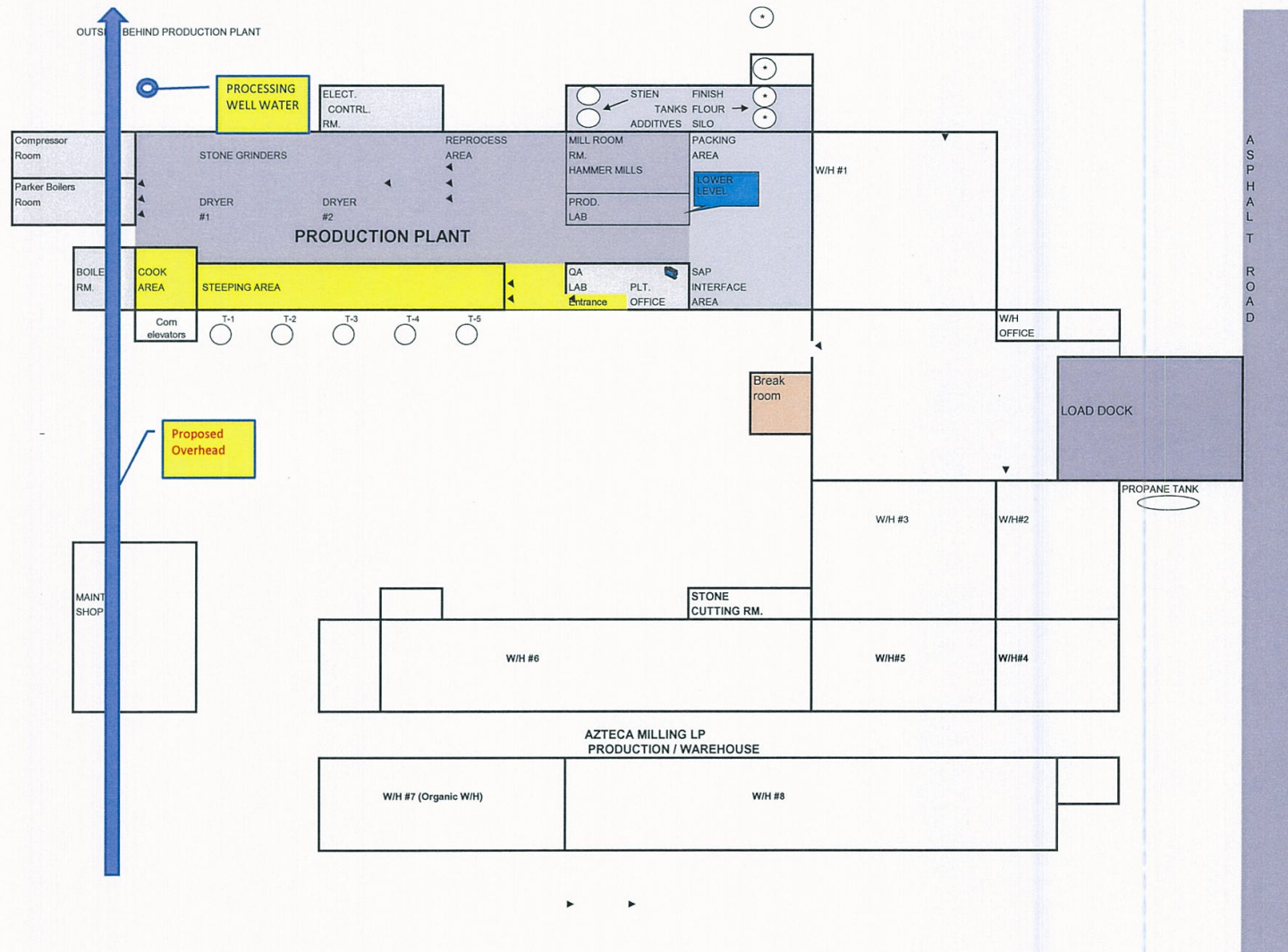
Attachments

cc: Mr. Barry Runyon (Via Email; w/attachments)
Mr. Alberto Jacques (Via Email; w/attachments)
Mr. Angel Tamez (Via Email; w/attachments)
Lic. Salvador Elias (Via Email; w/attachments)
Mr. Gerardo Oseguera (Via Email; w/attachments)
Mr. Bobby Kahn (Via Email; w/attachments)

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick,
Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

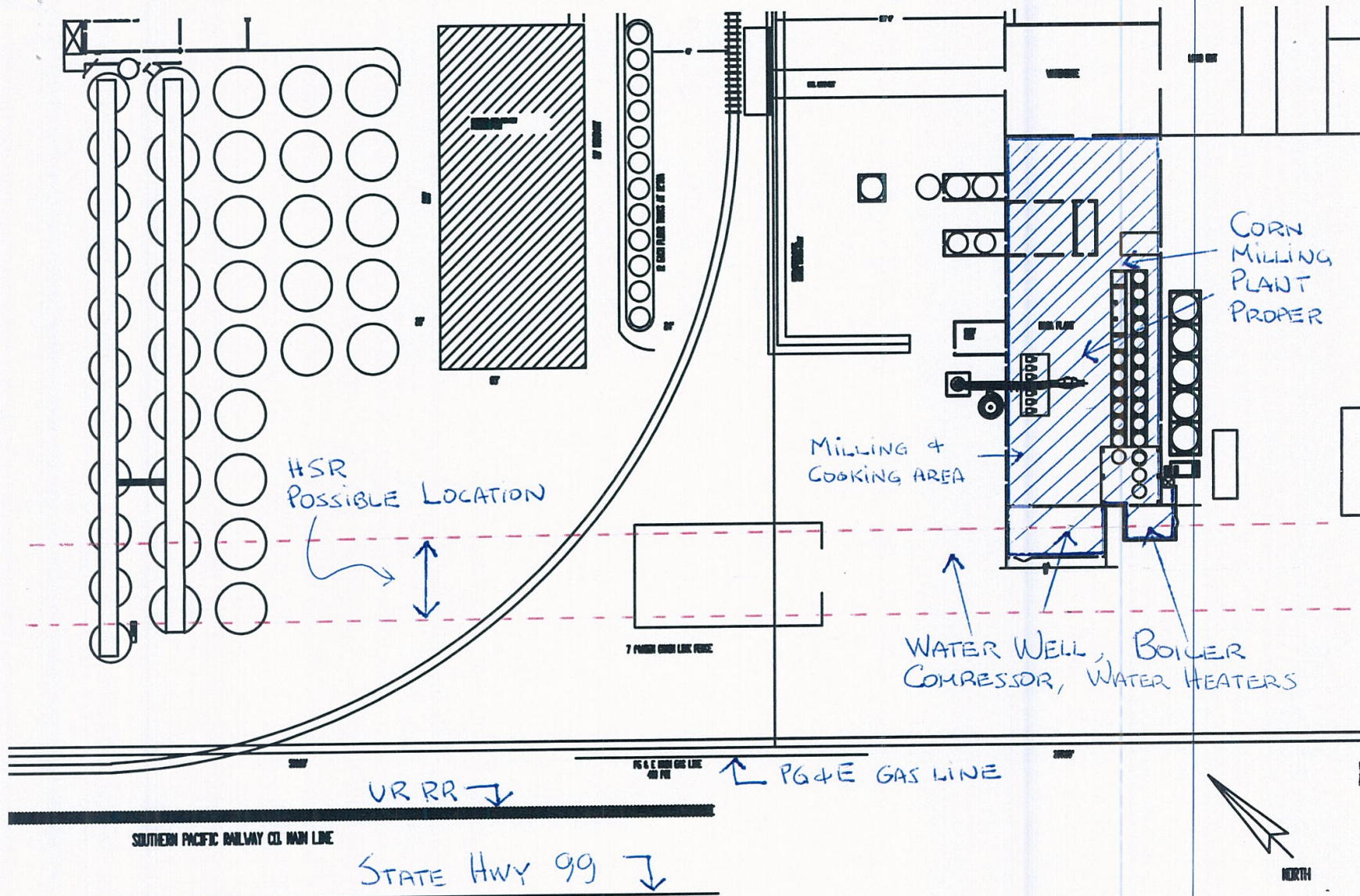
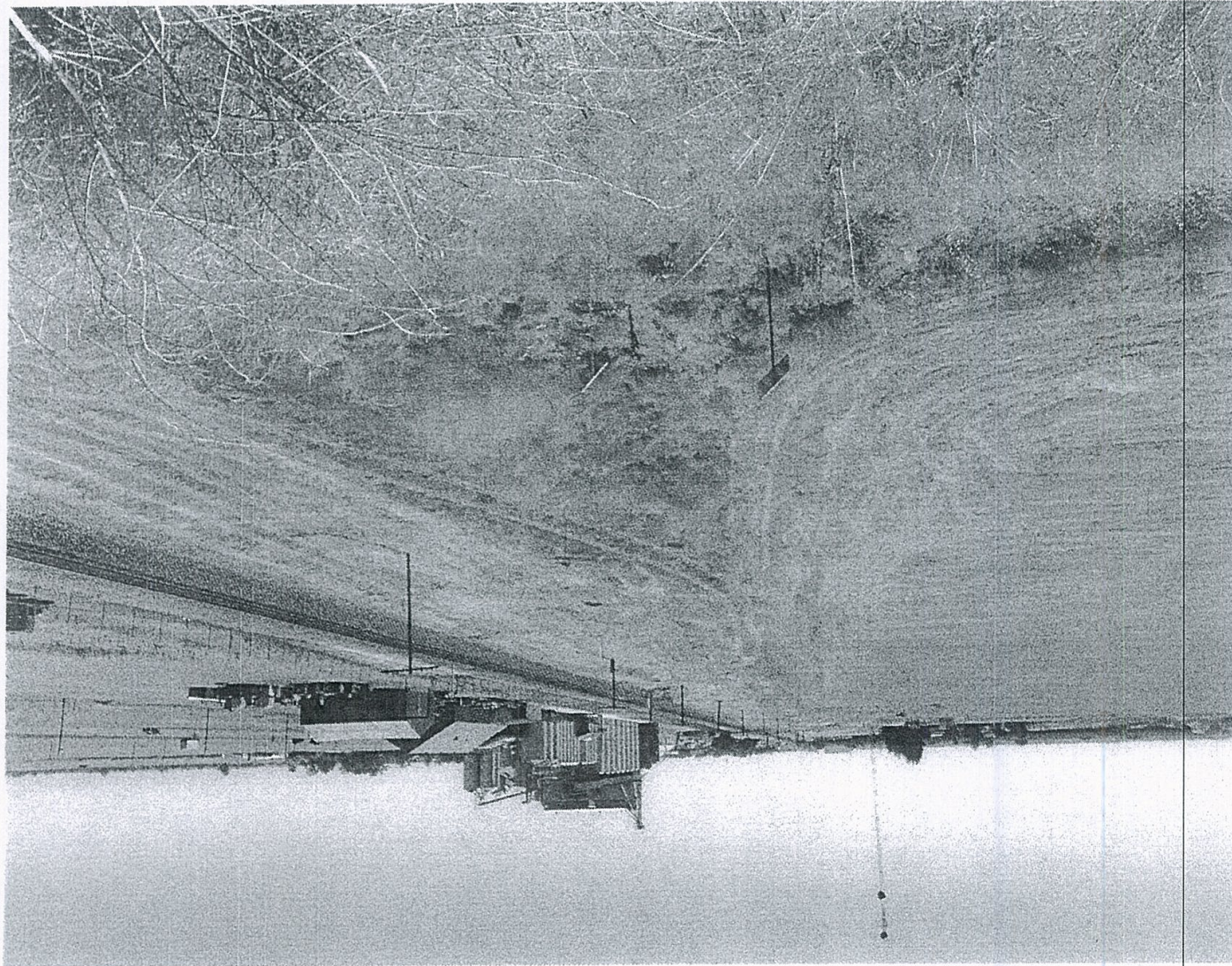


EXHIBIT B-2

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick,
Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued

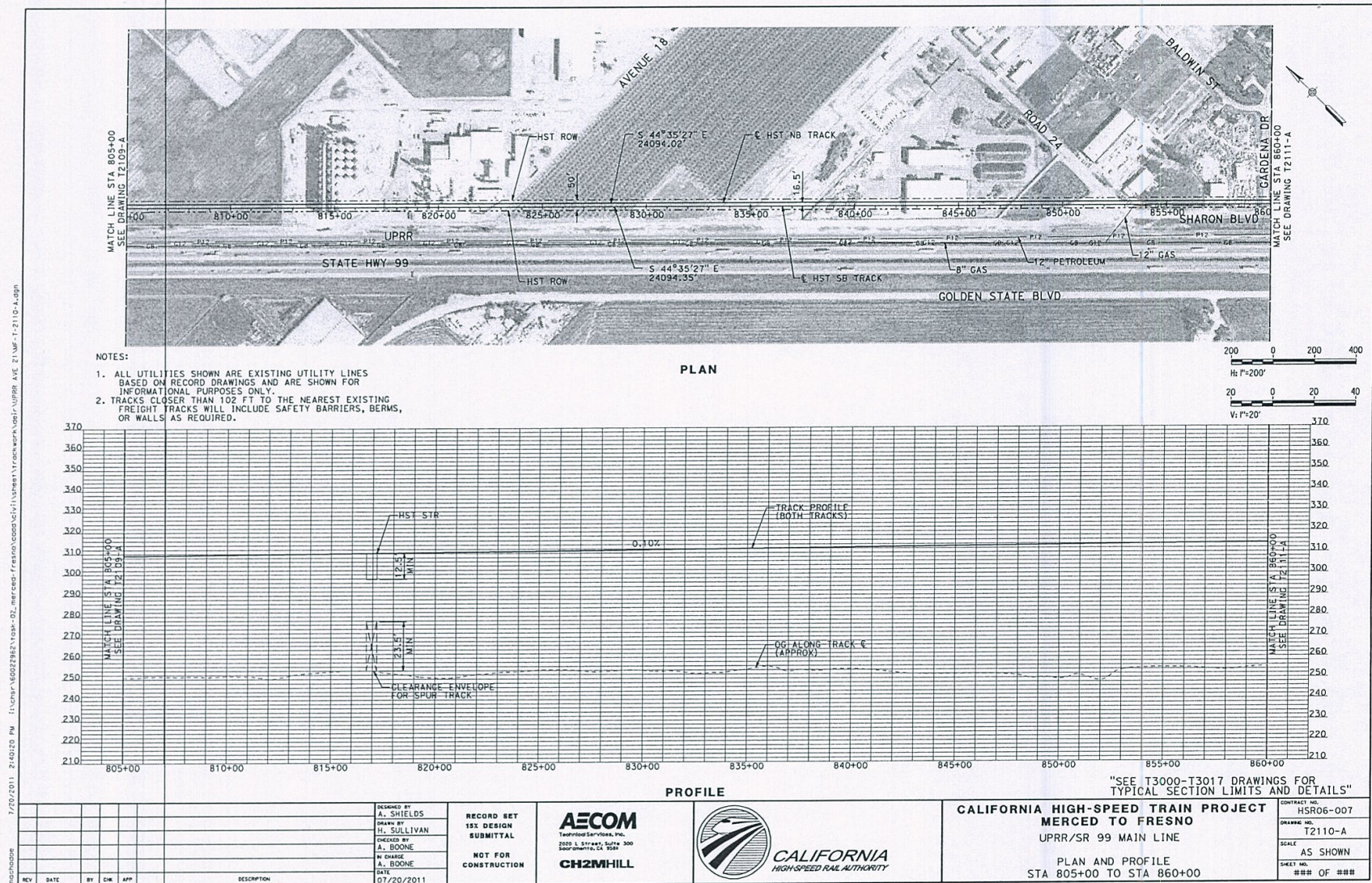
Exhibit C



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



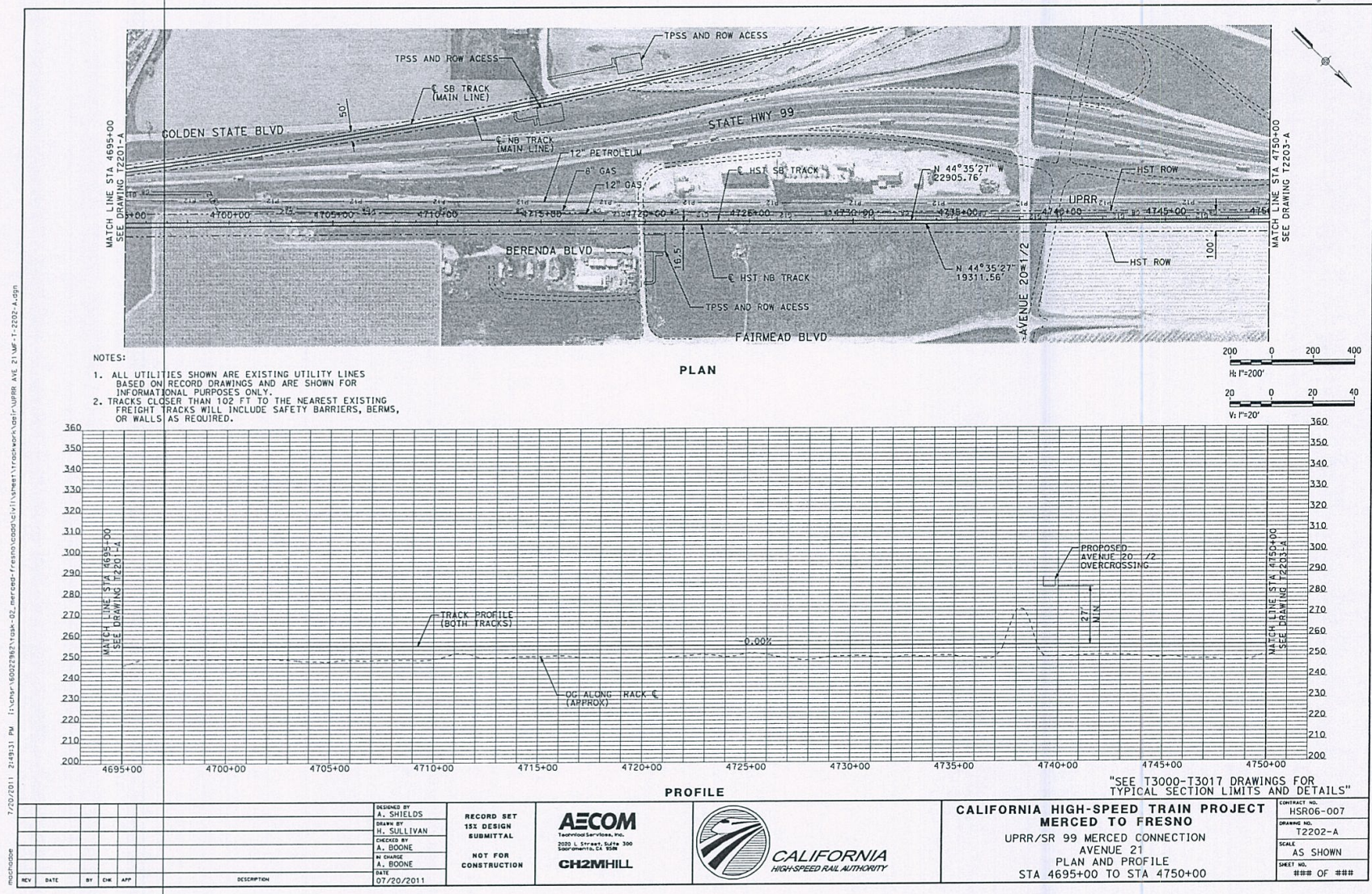
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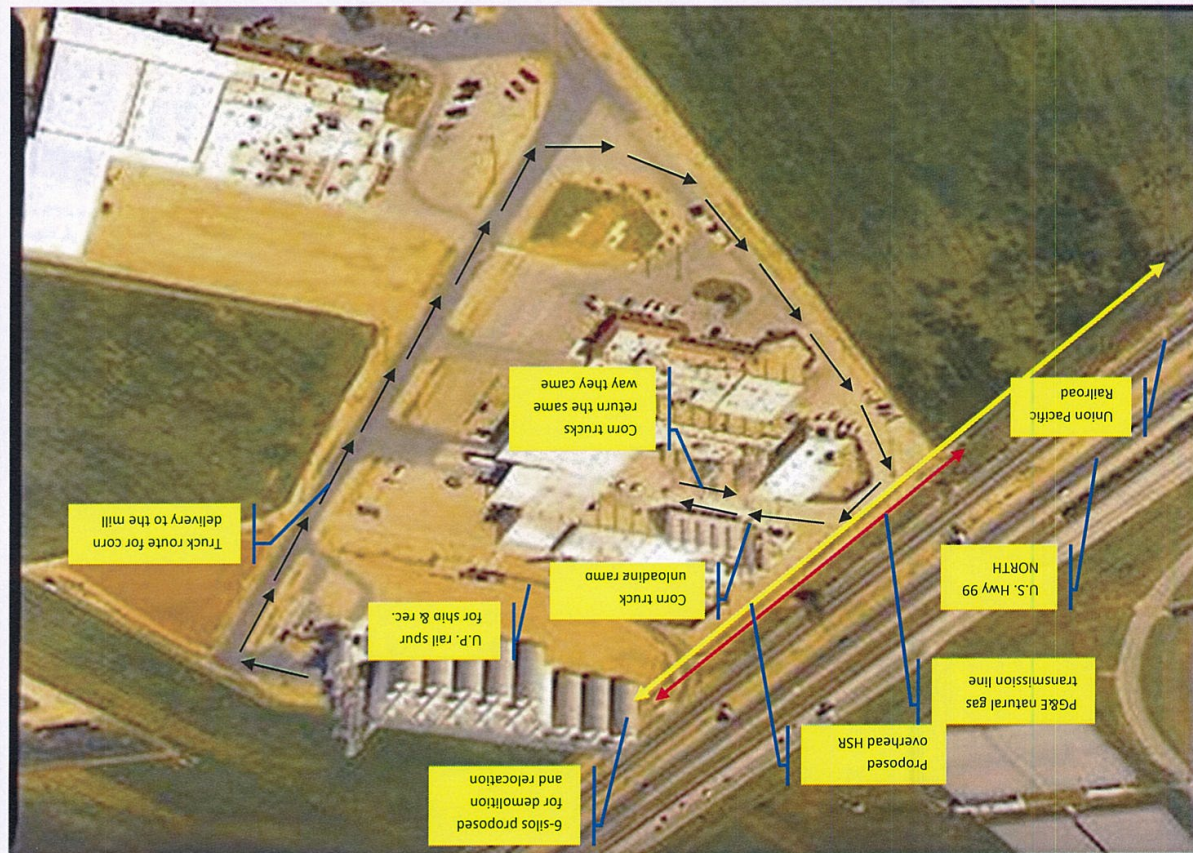
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Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



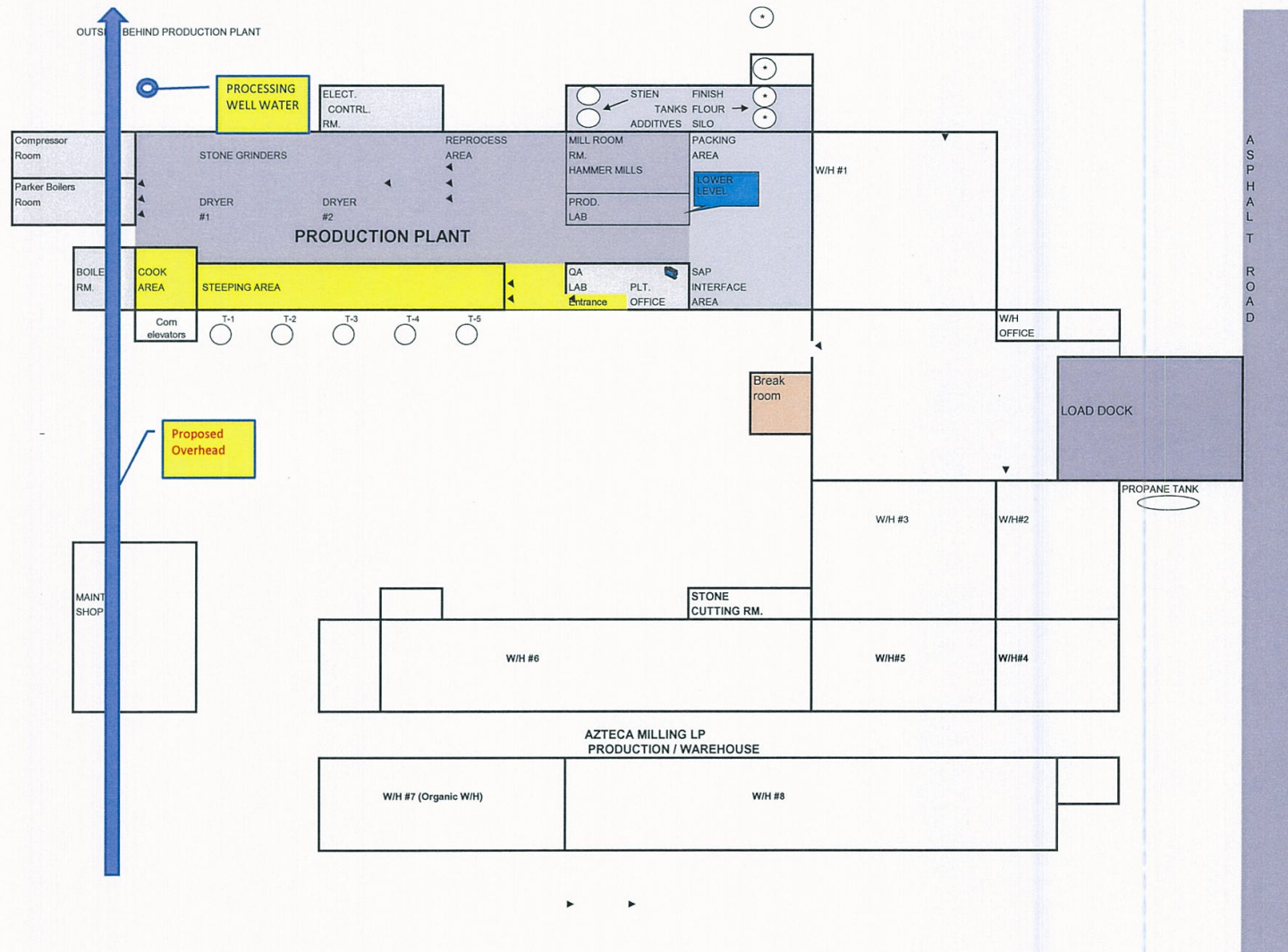
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Peeler & Garrett LLP, October 13, 2011) - img-9161442-0001.pdf - Continued



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Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - azteca_attachments_figures.pdf - Continued



HSR POSSIBLE LOCATION

MILLING & COOKING AREA

CORN MILLING PLANT PROPER

WATER WELL, BOILER, COMPRESSOR, WATER HEATERS

UR RR

STATE HWY 99

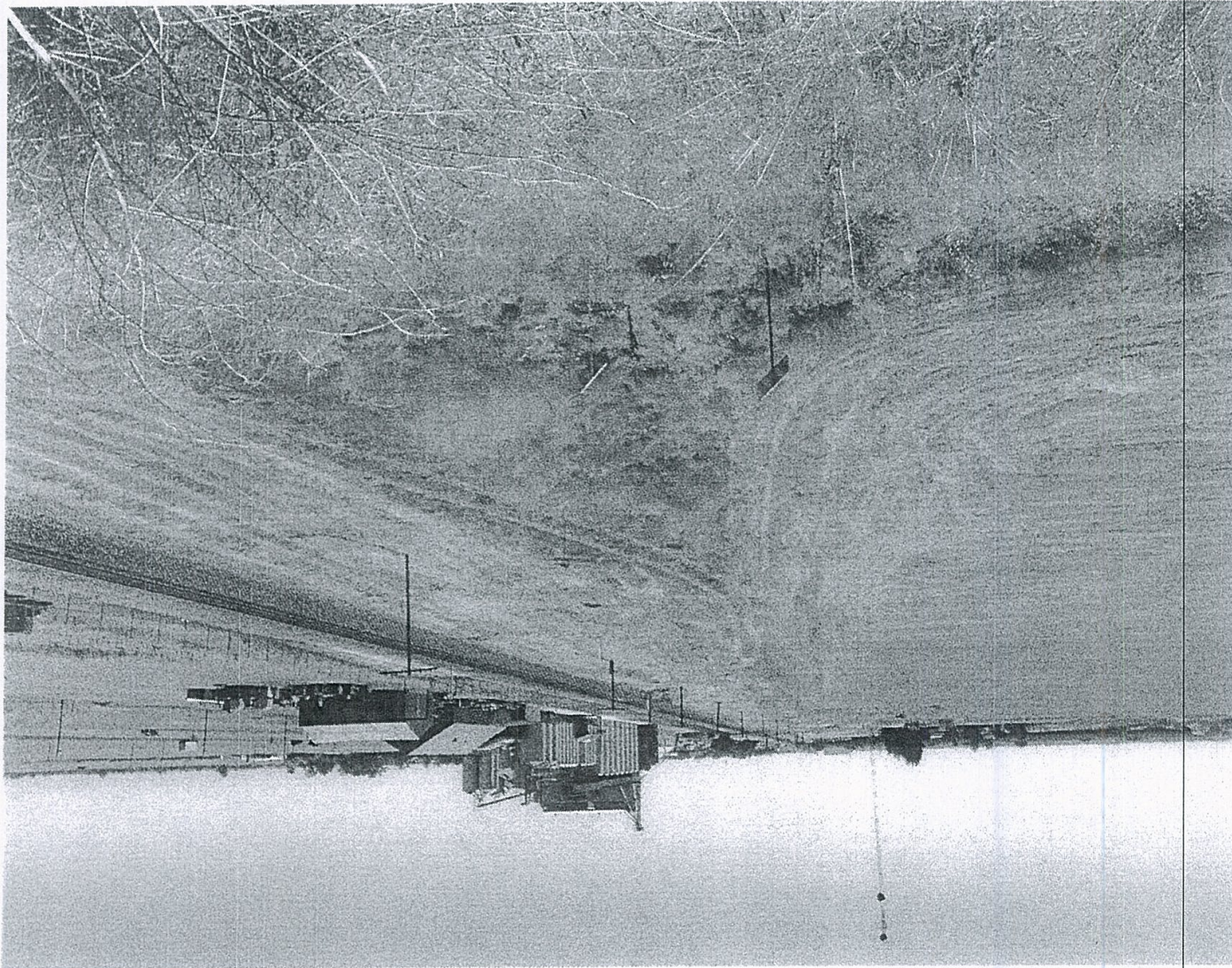
PG & E GAS LINE

SOUTHERN PACIFIC RAILWAY CO. MAIN LINE

NORTH

Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick,
Peeler & Garrett LLP, October 13, 2011) - azteca_attachments_figures.pdf - Continued

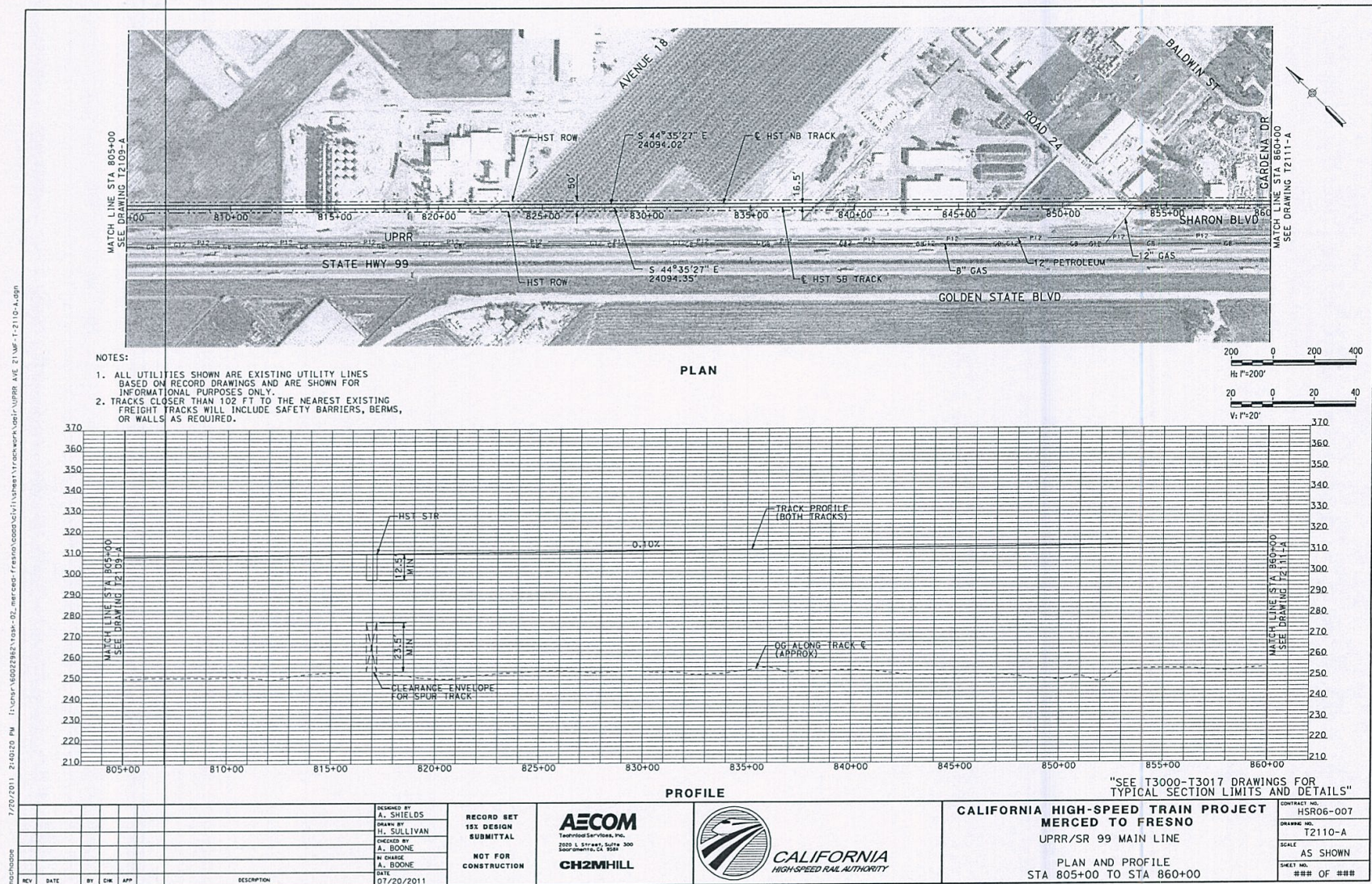
Exhibit C



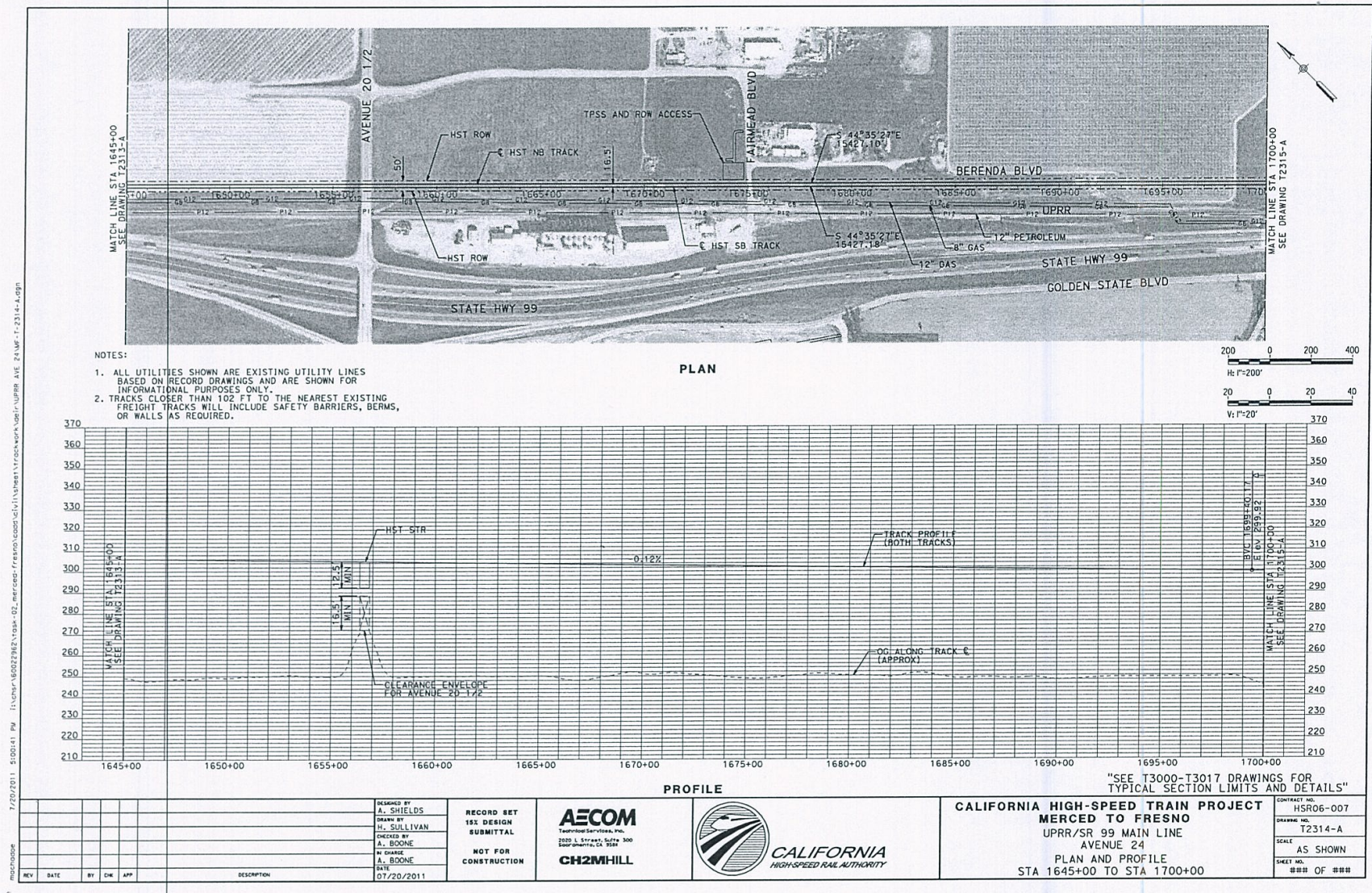
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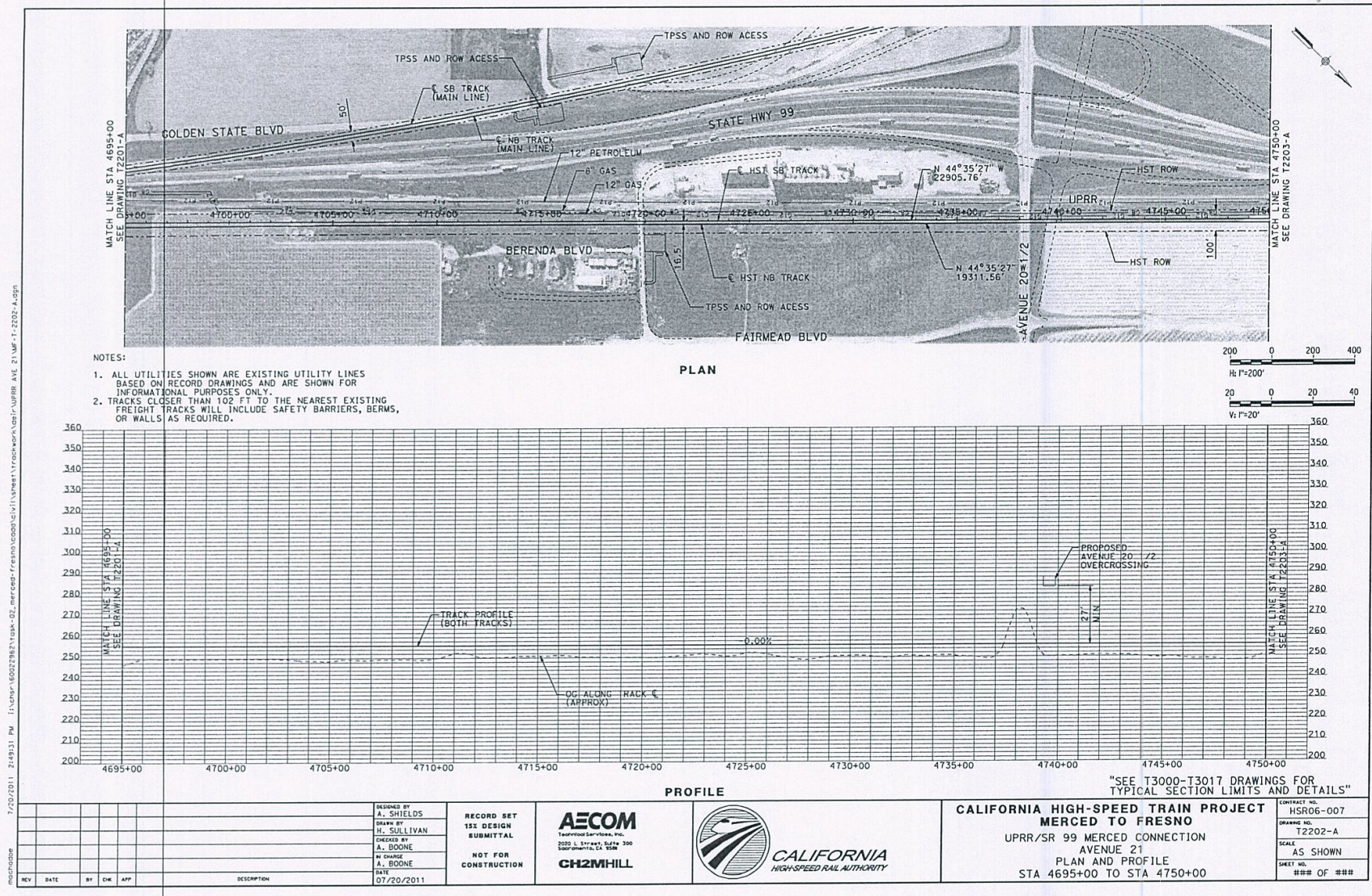
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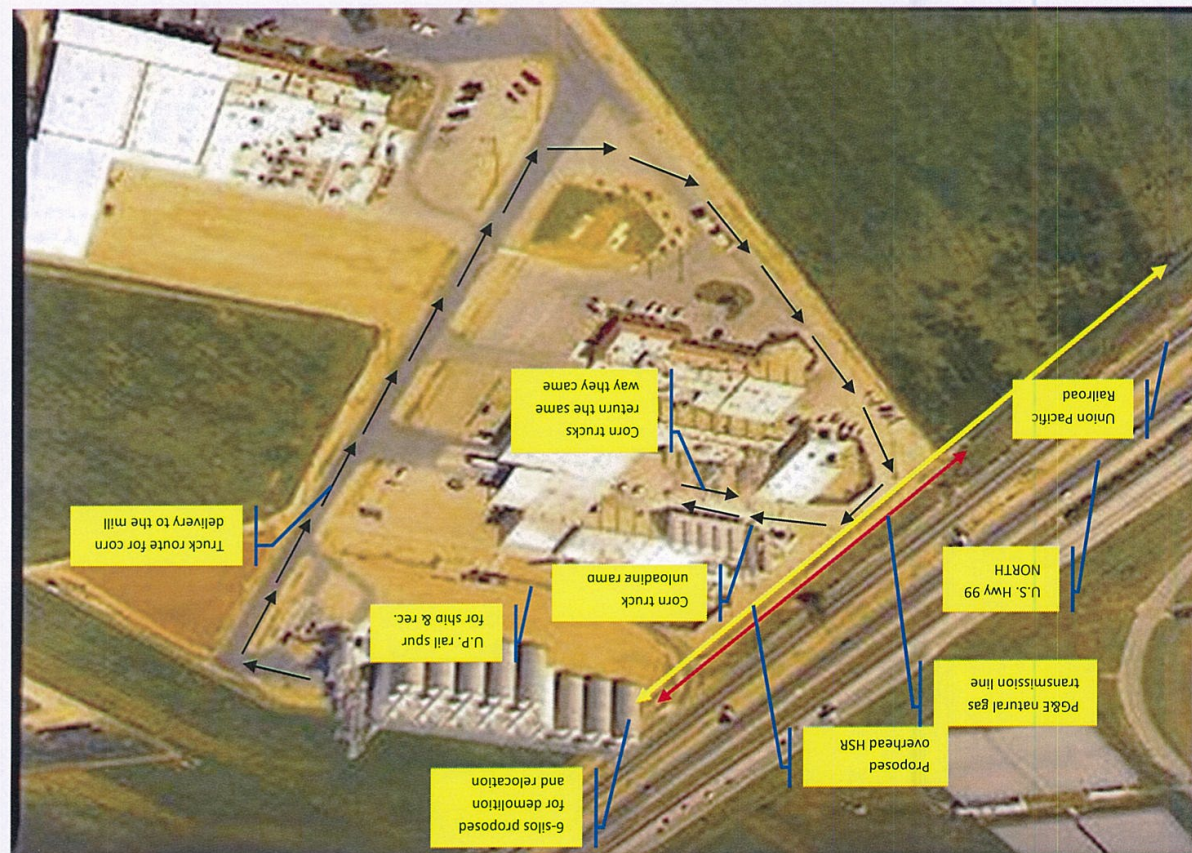
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Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - azteca_attachments_figures.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - azteca_attachments_figures.pdf - Continued



Attachment to Submission 709 (Randolph Muhlestein, Azteca Milling LP (Attny for), Musick, Peeler & Garrett LLP, October 13, 2011) - azteca_attachments_figures.pdf - Continued



Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011)

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ALSO ADMITTED IN UTAH

October 11, 2011

VIA FEDEX and ELECTRONIC MAIL

Thomas J. Umberg
Chair, California High Speed Rail Authority Board
770 L Street, Suite 800
Sacramento, CA 95814
Ph. 916-324-1541

Re: **Comments to Draft EIR/EIS (Merced to Fresno section);
Opposition to A2-UPRR / Avenue 24 (Henry Miller) alignment(s); and
Preferred Alternatives and Suggestions**

Dear Mr. Umberg,

Our firm represents Bay Valley Venture, LLC, Delta Valley Venture, LLC and United Park, Inc. (collectively, "**Clients**"), commercial property and business owners within the State Route 99 corridor in Chowchilla, Madera County, whose property and commercial enterprises are severely and adversely impacted by the recent changes to the A2-UPRR/Avenue 24 High Speed Rail alignment(s). This letter constitutes our Clients' formal written comments on the Merced to Fresno Draft Environmental Impact Report/Environmental Impact Statement ("**EIR/EIS**") for the California High Speed Rail Project ("**HSR**"). Our Clients join the opposition of the Cities of Madera and Chowchilla and the County of Madera to the HSR Project as currently proposed.

The subject commercial properties are situated at the southwest corner of Highway 99 and Avenue 24 in the City of Chowchilla, County of Madera ("**Chowchilla**"). Specifically included are the following assessor parcels: 027-053-008, 027-053-009, 027-053-010 and 027-053-011 (collectively, the "**Property**"). Clients own and operate United Park, Inc., a retail commercial center, truck stop and fueling station, on the Property.

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Our Clients oppose Route A2-UPRR/Avenue 24 (Henry Miller) alignment(s) but support A1-BNSF/Route south of SR 152 alignment(s), the latter having been proposed by the major cities in Madera County. The California High Speed Rail Authority's ("**CAHSRA**") current east-west alignment along Avenue 24/Henry Miller Road would devastate the Property, destroying our clients' expanding planned development; rendering the Property valueless for its highest and best use; forcing the relocation of the operating businesses; causing the loss of established, significant goodwill and severance damages pursuant to the provisions of the Eminent Domain Law; and triggering the payment of just compensation required by the California and United States Constitutions.

A preferred alternative would be the A1-BNSF/Avenue 21 alignment for the Hybrid track. The resolutions of the cities of Chowchilla and Madera, which also oppose Route A2-UPRR/Avenue 24 (Henry Miller), are consistent with our preferred alternative. Copies of these local/responsible agency resolutions are attached. Please refer to the **attached map with drawings which depict the preferred alternative Hybrid Curve "C" recommendation.**

Background: The Program EIR/EIS certified in 2005 by CAHSRA and the Federal Railroad Administration ("**FRA**") evaluated alternative routes in the Central Valley and was followed by a subsequent Program EIR/EIS in 2008. The latter addressed the route between the Bay Area and Central Valley via Pacheco Pass (later revised in 2010). California voters conditionally approved funding for the California High Speed Rail Project in Proposition 1A in 2008.

The A1-BNSF/Avenue 21 Alternative Should be the Preferred Alignment.

CAHSRA Board Resolution 05-01 (November 2, 2005), which certified the Program EIR for the High Speed Train System, clearly selected the BNSF (A1) alignment in Madera County as the preferred alignment. Clients, Bay Valley, Delta Valley and United Park, supported that alignment and the HSR in reliance on the Program EIR/EIS that unequivocally selected the A1-BNSF alignment as having the least adverse environmental impact among the alternatives:

"Throughout the corridor the UP alignment passes through more urban areas and would require more aerial structures, thereby increasing adverse impacts to communities and construction costs. Both the UP and BNSF have freight activity; however, the UP serves more local industries adjacent to the corridor that the HSR alignment would have to avoid.

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Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

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The HSR would typically accomplish this by using aerial structures to fly over the local freight tracks, which would add cost and cause additional adverse community impacts. The BNSF alignment traverses a more rural setting, would require fewer aerial structures and would cause fewer impacts to Central Valley communities.¹

"A great advantage of the BNSF alignment is that much of the HSR system could be constructed at-grade such that the freight track would be grade separated along with the adjacent HSR tracks. This would benefit freight services and communities by reducing noise (due to the elimination of horn noise and gate noise from existing services), providing improved safety, freeing automobile traffic and improving air quality through reduced congestion." (2005 Program EIR Ch. 6a pg. 6A-10)

655-2

CAHSRA's expressed reluctance to consider project alternatives proposed by responsible agencies and adversely impacted businesses, residents and land owners¹ is in itself a violation of CEQA and NEPA [CEQA Guidelines § 15126.6(a); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 566].

For the HSR project ("Project"), CEQA required the EIR to include analysis of "alternative locations" especially where, as here, responsible agencies, the public, landowners, residents and business owners have demonstrated alternative locations that would avoid or substantially lessen significant effects on the Project [CEQA Guidelines, § 15126.6(f)(2)]. Examples of such alternative locations meeting the above criteria are the Madera County, City of Madera and City of Chowchilla alternatives (see as per their passed resolutions, attached hereto), and the similar Bay Valley Venture and Delta Valley Venture alternatives for locating the Chowchilla area curve on the south side of SR 152 and/or Avenue 21.

NEPA also requires the consideration of alternatives – and with stronger force. A number of NEPA cases have emphasized the importance of the consideration of alternatives. For example, in *Monroe County Conservation Council, Inc. v. Volpe* (2d Cir. 1972) 472 F. 2d 693, 697-698, the Second Circuit Court of Appeals described the requirement to analyze alternatives as the "linchpin" of the environmental impact statement. The Council on Environmental Quality ("CEQA"), which promulgates

¹ See CAHSRA Executive Summary Progress Report dated June 2010, page 6.

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regulations implementing NEPA, describes the alternatives requirement as the "heart" of an EIS (40 C.F.R. § 1502.14).

655-3

The Draft EIR/EIS is also deficient by reason of its deferral of mitigation measures into the uncertain future, without the CEQA-required articulation of specific performance criteria. The Draft EIR/EIS's inadequacy is also evident with regard to mitigation measures by the failure to make commencement of construction of the Project contingent on finding a way to meet the mitigation. The DEIR sections where this deficiency is evident includes the Noise and Vibration; Aesthetics and Visual Resources; and Socioeconomics, Communities and Environmental Justice sections [*Endangered Habitats League, Inc. v. State Water Resources Control Board* (1997) 63 Cal. App. 4th 777].

655-4

The Draft EIR/EIS is deficient in its cursory treatment of HSR impact on land use and development¹, errantly concluding it is "less than significant." In light of the abundance of responsible agency comments to the contrary, substantial evidence exists supporting a fair argument that the HSR Project may have a significant impact on land use. Therefore, it must be fully analyzed in the Draft EIR-EIS as to each local agency impacted, including without limitation, growth-inducing impacts [*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75. Public Resources Code § 21100(b)(5). CEQA Guidelines §§ 15126(d), 15126.2(d)]. This would apply to every local agency having land use planning authority, including cities and counties. Such land use authority is derived from the State Planning Act (Gov't Code § 65000 *et seq.*) and/or its charter.

655-5

The Draft EIR/EIS is deficient in its analysis of Air Quality impacts by its failure to recognize the Project's impacts in Madera County, Cities of Madera and Chowchilla, resulting in increased vehicle miles traveled ("VMT"). HSR passengers from these jurisdictions would necessarily travel to the Merced or Fresno HSR stations, thus increasing VMT. That such a fair argument can be made and supported by substantial evidence that the Project may have a significant impact on the environment by reason of the increase in VMT is certain.

The Project is subject to the Federal Clean Air Act § 309 (42 U.S.C. § 7609) and NEPA [40 CFR § 1503.1(a)] which authorize the EPA to comment on the impacts of any matter that is subject to NEPA. The California Air Resources Board is similarly vested with authority under State law (Pub. Res. Code § 2100 *et seq.* and Health & Safety Code §§ 38500, 38599). By its use of unsupported conclusory statements and assumptions

¹ See DEIR sections 3.13, 3.18 and 3.19.

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Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

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655-5 | concerning air quality, CAHSRA has imposed an effective blockade to meaningful comment from the EPA, CARB and the public.

The intersection of two HSR routes that is unique to Chowchilla and Madera County results in disproportional impacts on phased air quality, traffic, aesthetics, planned growth locally and regionally and land use planning and development. The cumulative impacts of all these unique-to-Madera County and Chowchilla issues must also be separately addressed. Absent these additional matters being given proper attention, study and analysis in the Draft EIR/EIS, it is inadequate under CEQA and NEPA as well as the Clean Air Act.

655-6 | **A focused analysis of the economic social impact must be made by reason of the HSR Project's division of our Clients' Property and the City of Chowchilla,** an existing community. Under alternative alignment A2-UPRR/Avenue 24 (Henry Miller), Chowchilla is split. CEQA Guidelines § 15131(b) requires this analysis, which would appear to be absent from the Draft EIR/EIS. This analysis necessarily must also address **traffic and air pollution impacts** resulting from these divisions.

655-7 | **CAHSRA's bait-and-switch change to an off-alignment "jog" to the West at SR 99 at/near Avenue 24³ in Chowchilla, Madera County, creates more significant adverse environmental impacts that the preceding design.** And it violates one of the foundational requirements of Proposition 1A that the HSR be located in existing travel corridors.

This jog also uniquely and unjustly destroys both the land and the business goodwill of Bay Valley and Delta Valley Ventures currently operating on adjoined parcels described above comprising 50 +/- acres. Access to the Subject Property would be substantially if not totally impaired by this "jog" that was inserted without notice or explanation as a change to the previously circulated Program EIR.

Resulting exacerbating adverse environmental impacts would be road closures, increased traffic congestion, impaired air quality in a sensitive air basin, noise, urban blight, economic loss and disruptions of established land use planning.

Economic loss, loss of jobs, urban blight and degrading social change must be addressed and analyzed in the DEIR as they are related to, and caused by, the physical changes which are significant impacts. CEQA and NEPA require this analysis (CEQA Guidelines, § 15382).

³ See DEIR Figure 2-31 at page 2-45.

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655-8 | **The Draft EIR/EIS Analysis of Public Utilities and Energy is Misleading and Based on Speculation.**

The speculation is that "[a]lthough the HST System would result in an increase in electricity demand, it would reduce the energy demands from automobile and airplane travel, resulting in an overall beneficial effect on statewide energy use." (Draft EIR/EIS § 3.6.5.1, p. 3.6-27)

Speculation is not substantial evidence (CEQA Guidelines § 15384). The speculative statement above is utterly without evidentiary support, yet purports to justify the very foundation of CAHSRA's premise that the HSR Project would result in a net decrease in statewide energy use. The assumption that airplane travel will decrease so as to consume less energy with the Project than in the before condition is pure speculation. In like manner, the assumption that automobile travel in and through and out of California would decrease because of the HSR Project is nothing by speculation.

Thus, there is but superficial analysis that "assures" the public use of a dual base-line approach in the Draft EIR/EIS section on Public Utilities and Energy. Compliance with controlling CEQA authority is questionable at best (see *Woodward Park Homeowners' Assn. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 707 and *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010), 190 Cal. App. 4th 1351).

655-9 | **The CAHSRA Draft EIR/EIS is also deficient for its failure to address the large PG&E gas line and gas line easements** notwithstanding the intersecting of HSR alternatives therewith. In light of the recent tragic explosions and fires in San Bruno, which had significant adverse impacts on the population and the environment, the Draft EIR/EIS should address this issue, especially with respect to construction and location alternatives for the HSR.

In light of this recent history and the more recent disclosure of PG&E's sloppy monitoring and record keeping of such pipelines, some of the possible environmental impacts may include the following: (a) pollution in violation of the Federal Clean Water Act (33 U.S.C. §§ 1251-1387) and California's Porter-Cologne Water Quality Control Act (Water Code §§ 13000-149500); (b) air pollution, in violation of the Clean Air Act (42 U.S.C. §§ 7401-7671q) and Health & Safety Code §§ 39000-44474; (c) hazardous waste in violation of the Federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901-6992k) and California's Hazardous Water Control Act (Health & Safety Code §§ 25100-25250.28); and (d) clean up of environmental contamination as required

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Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

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655-9

by the Carpenter-Presley-Tanner Hazardous Substances Account Act (California Superfund) (Health & Safety Code §§ 25300-25395.45).

655-10

For the reasons stated above, together with numerous adverse environmental impacts which we and many others are addressing, and in light of the unique and disproportional impacts on our Clients' Property, our Clients would like to propose **the attached map** depicting an alternative east-west and north-south alignment that should be analyzed by your staff, considered by the CAHSRA Board and included in the Final Environmental Impact Report.

An east-west alignment using the existing right of way of Highway 152 or Avenue 21 would provide the best benefit to the State of California, the residents of Madera County, as well as the ultimate operators and passengers of the HSR. Highway 152 is one of the most dangerous Highways in the State. If the CAHSRA Board were to adopt the Highway 152 or Avenue 21 alternative it would allow for construction of additional overpasses to permit safer travel by the public, including school buses. An alignment along Highway 152 or Avenue 21 would also limit commercial strip development and other associated growth inducing impacts that may be involved. To the contrary, the A2-UPRR/Avenue 24 (Henry Miller) alignment would result in significant growth-reducing impacts, which would not have been adequately addressed. The Draft EIR/EIS is deficient in this regard, in violation of CEQA [Pub. Res. Code § 21100(b)(5) and Guidelines § 15126(d)]. See *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 368].

The design of CAHSRA's A2-UPRR/Avenue 24 (Henry Miller) and its Hybrid Avenue 24 are, on their face, counter-productive to the stated goals of the HSR project, including the primary goal of train speed of 220 mph. Referring to the attached drawing depicting curves "A" and "C" and segment "B", at curve "A"; on west side of Chowchilla, the HSR Hybrid route speed will be only 150 mph. However, the 220 mph target speed could easily be maintained by choosing curve "C" which we propose here. The proposed curve "C" alignment will provide a wider radius turn to maintain the target train speed at or near 220 mph to meet the programmed travel time from San Francisco to Los Angeles and vice versa.

The segment labeled "B" on the attached drawing is currently located on the north side of the State Highway 152 or north side of Avenue 21 and is in direct conflict with the City of Chowchilla's Resolution No. 27-10 passed unanimously by its City Council on April 26, 2010, copy attached. Therefore, choosing curve "C" and staying on the

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south side of state Highway 152 or south side of Avenue 21 would avoid the conflict with Chowchilla's resolution opposing A2-UPRR. That resolution provides additional substantial evidence based on the avoidance or mitigation of significant environmental impacts supporting its objection to A2-UPRR/Avenue 24 alignment. Adopting alternative proposed curve "C" would also garner the support of both the cities of Chowchilla and Madera, as well as the County of Madera.

In general, we are supportive of the A1 alignment along BNSF. However, at Avenue 24, for reasons CAHSRA has been unable or unwilling to explain, rather than continuing to follow Highway 99, the alignment cuts over through a number of planned or existing industrial and commercial developments, and into the heart of Chowchilla. We would propose staying adjacent to and south of Highway 152 or Avenue 21 and on the east side of Highway 99 on the A1-BNSF alignment throughout Madera County, thereby lessening the adverse impacts to our Clients' development, Chowchilla's planned industrial property, and the commercial core of Chowchilla. We respectfully request and strongly urge CAHSRA to consider the attached proposed alternative Curve "C" alignment, in addition to the A1/BNSF alignment, and include them in all current and future environmental documents moving forward. In sum, we strongly urge CAHSRA to reconsider its current alignments through Madera County and cities of Madera and Chowchilla.

655-11

Our Clients respectfully join in and support the concerns and comments of the Madera County Resource Management Agency and the Cities of Chowchilla and Madera with respect to Noise and Vibration, Aesthetics, Economic and Social Effects, Land Use Planning, Local and Regional growth, Air Quality and Global Climate Change, Agriculture (including transportation, inaccurate traffic counts, Williamson Act land, conversion of Prime Ag. Land, etc.), Safety and Security, Water Resources, and Transportation.

In Madera County, locating the HSR route on the west side of Chowchilla on Curve "C" would most certainly help CAHSRA achieve its goals in the following ways:

- Avoid stated conflicts in and around Clients' development, the City of Chowchilla, City of Madera and County of Madera, California;
- Meet the target speed and travel time between San Francisco and Los Angeles;
- Avoid or mitigate significant adverse environmental impacts; and

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Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

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- Significantly reduce right-of-way acquisition costs, including the payment of just compensation, severance damages and loss of business goodwill.

We respectfully request CAHSRA to take appropriate steps to gain the support of the residents and agencies of Madera County, California. Thank you for your consideration of our comments and recommendations.

Very truly yours,

MOTSCHIEDLER, MICHAELIDES,
WISHON, BREWER & RYAN, LLP



C. William Brewer, P.C., Attorneys for Bay
Valley Venture, LLC, Delta Valley Venture,
LLC and United Park, Inc.

CWB:jsh

Enclosures: Resolutions, Letters **Opposing** A2-UPRR/Avenue 24 (Henry Miller) alignment(s) recently proposed by HSR Authority, and Drawing on Map depicting Avenue 21 alternative Curve "C".

- 1-City of Madera Resolution No. 10-110
- 2-Madera Chamber of Commerce Letter of May 13, 2010
- 3-City of Chowchilla Resolution No. 27-10
- 4-Chowchilla Chamber of Commerce Resolution No. 01-2010
- 5-Madera County Economic Development Commission Letter of April 30, 2010
- 6-Greater Madera County Industrial Association Letter of May 18, 2010
- 7-Drawing depicting alternative "C" hybrid route in Madera County.

655-12

If HSR Authority chooses A2-UPRR, then we want them to adapt wider curve "A" going into "C" and vice versa, rather than smaller curve "A" going into "B". By choosing wider curve "A" going into curve "C" will help to maintain the required speed and avoid the conflict with A2-UPRR opposing resolutions approved by different cities, counties and entities.

Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

RESOLUTION NO. 01-2010

A RESOLUTION OF THE CHOWCHILLA DISTRICT CHAMBER OF COMMERCE
SUPPORTING THE HIGH SPEED RAIL AUTHORITY ALIGNMENT DESIGNATED AS "A1"

WHEREAS, THE VOTERS OF THE STATE OF California has approved funding of the high speed rail system designed to travel from Los Angeles to San Francisco and to points in between,

WHEREAS, the High Speed Rail Authority has selected two potential north/south routes designated as "A1" near or along the existing BNSF right of way and "A2" near or along the UPRR right of way,

WHEREAS, The Chowchilla District Chamber of Commerce Supports the High Speed Rail System in California as a vital component of the future of the San Joaquin Valley and the entire State of California,

WHEREAS, Directors of the Chowchilla District Chamber of Commerce have attended public hearings provided by the High Speed Rail Authority and participated in attempting to identify alternate rail routes that would minimize the impact on The City of Chowchilla businesses and district agriculture,

NOW, THEREFORE, LET IT BE RESOLVED that the Board of Directors of the Chowchilla District Chamber of Commerce hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.
2. The Chowchilla District Chamber of Commerce supports High Speed Rail Alignment along the Santa Fe Railroad Corridor, designated as "A1" by the High Speed Rail Authority.
3. This Alignment follows an established transportation corridor and mitigates any negative effects on the City of Chowchilla.
4. The Chowchilla District Chamber of Commerce does not support The High Speed Rail Alignment along the Union Pacific Railroad, designated as "A2" by the High Speed Rail Authority. This alignment creates short and long term negative effects on the City of Chowchilla, its retail and commercial corridors, and potential loss of businesses and jobs.
5. The Chowchilla District Chamber of Commerce supports the East/West Alignment of the High Speed Rail to be placed on Avenue 21 as it enters Madera County from the West. The Chamber further supports the East/West to North/South "Wye" connection to be placed at the intersection of Avenue 21 and the Santa Fe Railroad (A1). This alignment and connection has been proposed to the High Speed Rail staff. This connection and alignment minimizes the negative effects on farm land, the Fairmead Fossil Discovery Center, major businesses along Avenue 24 and at Highway 99 & Avenue 24, and the City of Chowchilla.

PASSED AND ADOPTED by the Chowchilla District Chamber of Commerce at a special meeting held on May 21, 2010 by the follow vote to wit:

AYES: *Seven*
NOES: *0*
ABSENT: *Four*
ABSTAIN: *0*

Vern Moss
Vern Moss, President

ATTEST:
Jacki Flanagan
Jacki Flanagan, Chamber Manager

655-14

RESOLUTION NO. 27-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA
SUPPORTING THE HIGH SPEED RAIL AUTHORITY ALIGNMENT DESIGNATED AS "A1"

WHEREAS, the voters of the state of California have approved funding of a high speed rail system designed to travel from Los Angeles to Sacramento to San Francisco and to points in between,

WHEREAS, the High Speed Rail Authority has selected two potential north/south routes designated as "A1" near or along the existing BNSF right of way, and "A2" near or along the UPRR right of way,

WHEREAS, The City of Chowchilla Supports the High Speed Rail System in California as a vital component to the future of the San Joaquin Valley and the entire State of California,

WHEREAS, the City of Chowchilla has actively participated in attempting to identify alternate rail routes that would minimize the impact on cities and agriculture,

WHEREAS, the placement of the east/west connection along the Hwy 152 corridor has the potential for significant negative impacts for the City of Chowchilla,

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Chowchilla hereby resolves, finds and orders as follows:

1. The above recitals are true and correct.
2. The City of Chowchilla supports High Speed Rail Alignment along the Santa Fe Railroad Corridor, designated as "A1" by the High Speed Rail Authority.
3. This Alignment follows an established transportation corridor and mitigates any negative effects on the City Of Chowchilla.
4. The City of Chowchilla does not support The High Speed Rail Alignment along the Union Pacific Railroad, designated as "A2" by the High Speed Rail Authority. This alignment creates short and long term negative effects on the City of Chowchilla, its retail and commercial corridors, and is not consistent with its General Plan.
5. The City of Chowchilla supports the East/West Alignment of The High Speed Rail to be placed on Avenue 21 as it enters Madera County from the west. The City further supports the East/West to North/South "Y" connection to be placed at the intersection of Avenue 21 and the Santa Fe Railroad (A1). This alignment and connection has been proposed to the High Speed Rail Staff. This connection and alignment minimizes the negative effects on farm land and the Cities of Chowchilla and Madera.

PASSED AND ADOPTED by the City Council of the City of Chowchilla at a regular meeting held on the 26th day of April, 2010 by the following vote to wit:

AYES: 5, Alexander, White, Kopshever, Chavez, Haworth
NOES:
ABSENT:
ABSTAIN:

Jim Kopshever
Jim Kopshever, Mayor

ATTEST:

Cindy Black
Cindy Black, Acting City Clerk

Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

655-15

RESOLUTION NO. 10-110

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
SUPPORTING THE A-1 CALIFORNIA HIGH SPEED RAIL ALIGNMENT AND
OPPOSING THE SELECTION OF THE A-2 ALIGNMENT

WHEREAS, California's high-speed rail project (HSR Project) is a planned transportation backbone whose initial 500 miles (phase one) will begin in Anaheim/Los Angeles, run through the Central Valley from Bakersfield to Merced, then head northwest into the Bay Area. It will travel up to 220 miles per hour and be able to make its journey from Los Angeles to San Francisco in under 2 hours and 40 minutes; and

WHEREAS, the Merced to Fresno portion of system is one of several sections that are being evaluated and studied environmentally as distinct segments. The Merced to Fresno section of the High-Speed Rail (HSR) system is 60 miles long and includes the junction that permits high-speed trains to be routed either to Sacramento or San Francisco in the north. HSR stations are proposed in downtown Merced and Fresno and a heavy maintenance and repair facility will be evaluated in the Merced to Fresno HSR project area; and

WHEREAS, of three potential alignments in the vicinity of Madera, two routes remain under consideration: A-1 (Burlington Northern Santa Fe Corridor) and A-2 (Union Pacific Corridor); and

WHEREAS, the HSR Project staff has determined that the A-1 alignment "is a viable alternative that meets the project purpose and need while also adhering to all the project objectives;" and

WHEREAS, the A-1 route represents the best opportunity to collaborate with adjacent rail corridor (BNSF), and is less expensive to construct than A-2; and

WHEREAS, the A-1 alignment in large measure will avoid the impacts created by the A-2 alignment. The A-1 alignment circumvents the City hence avoiding impacts to the downtown, businesses outside of the downtown, and properties with significant development potential outside of the downtown area; and

WHEREAS, damage to sites with potential for retail development – at Avenue 17 and 99 as well as Avenue 12 and 99 – will be avoided by the A-2 alignment. Sales tax is a major revenue source for the City's General Fund. Loss of sales tax would result in a loss of service dollars available to fund police, fire, streets, etc; and

WHEREAS, businesses forced to relocate from downtown Madera will likely have difficulty finding buildings with comparable rent structures, in close proximity – walking distance – to their customers; and

WHEREAS, unless the A-1 alignment is selected, the physical setting and scale of the rail structure associated with the elevated A-2 alignment will be inconsistent with the setting and scale of downtown Madera; and

655-15

WHEREAS, the State Auditor's recent report on the HSR business describes a seriously flawed plan, casting doubt on the timing and success of the project in its current form, and is a compelling argument that expectations of large amounts of capital mitigation funds for Madera are extremely speculative; and

WHEREAS, there are 21 locations currently competing for designation as the heavy maintenance facility, including 5 sites in Madera County. One of the Madera County sites relies on the A-1 alignment, and two additional sites would work on either route. If the preferred heavy maintenance facility site is located on the A-1 alignment exclusively, the selection of an alignment other than A-1 could cost Madera County thousands of jobs and multiple millions of dollars in investments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The City Council hereby identifies and supports the A-1 alignment for the HSR Project through the Madera General Plan Planning Area.
3. The City Council hereby opposes the selection of the A-2 alignment for the HSR Project through the Madera General Plan Planning Area.
4. This resolution is effective immediately.

* * * * *

Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

Res. 10-110

PASSED AND ADOPTED by the City Council of the City of Madera this 19th day of May, 2010

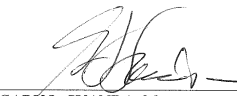
by the following vote:

AYES: Council Members Svanda, Poythress, Mindt, Bomprezzi, Armentrout.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

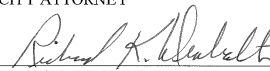

GARY L. SVANDA, Mayor

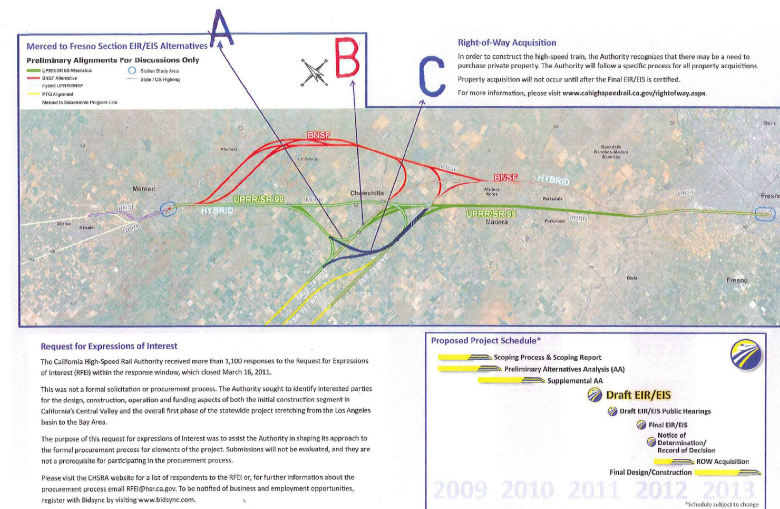
ATTEST:


SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:
CITY ATTORNEY


By: RICHARD K. DENHALTER
5/24/10



Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

655-16



May 18, 2010

BOARD OF DIRECTORS

OFFICERS

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CESAR LUCIO
American Box & Packaging Div.

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Thomas Products, Inc.
Division of East of Lakes

217 Main, 2nd
Madera, CA 93697

Mr. Curt Pringle, Chairman
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Chairman Pringle:

At the May 12, 2010 meeting of the Greater Madera County Industrial Association (GMCIA) a motion was unanimously passed putting GMCIA on record strongly opposing the proposed A-2 alignment. Unless the California High Speed Rail Authority (HSR) can propose an alternative route that is acceptable to both the cities of Madera and Chowchilla, GMCIA will only support the A-1 alignment.

The major concern that GMCIA has with the A-2 route is that it will run through the middle of each of our two cities and impact residential, commercial and industrial sites.

There are significant industrial facilities that would be negatively impacted. HSR staff has stated relocation money would be offered to these businesses, however, when an industrial site is located, it cannot be randomly relocated a 1/2 mile away. Industrial users select sites for very specific reasons and if forced to relocate the prospect of them remaining in Madera County, or even the State of California, is very low at best.

Displacement of commercial businesses that are operating in the Downtown Madera area would also face challenging relocation circumstances. Most of the businesses in the downtown area service a "walking" clientele. Furthermore, they are paying rental rates that are a fraction of other areas in the City of Madera, and relocating to areas with much higher rents would create a back-breaking financial hardship on those small businesses.

655-16

Future retail projects that are proposed for the Ave. 17 interchange will be harshly impaired by the A-2 alignment. Many will not move forward with existing development plans when faced with the severe impacts of the A-2 route considering the taking of key property, imposing barriers to freeway visibility and an array of other issues. This area is critical to the future commercial development for the City of Madera and can have enormous negative impacts on future revenues.


Many businesses in Chowchilla would also be displaced and the new "commercial/industrial" growth center would be destroyed. The newly proposed Robertson Ave/Hwy 233 Interchange would most likely have to be redesigned and future transportation routes are also in jeopardy.

Public opinion leaders of our community wish to cooperate with HSR but there is no advantage to the cities or the County if the A-2 route is selected and the two major population centers are cut in half by a high speed rail system that will do nothing more than run through the County of Madera and its two cities at speeds in excess 200 MPH every 7-10 minutes not stopping until they reach either Fresno on the south or Merced on the north.

GMCIA urges that the HSR move quickly to resolve this issue as already in jeopardy is the possible loss of \$5 million in Federal Economic Development Agency money. GMCIA finds it unacceptable if the HSR Board does not take immediate action to assure the hard work and expense to each city to secure the above mentioned grant funds, not to mention the future revenues generated from these projects, are not lost.

Please feel free to contact me if you or your staff has any questions regarding this matter and we are more than willing to meet with appropriate staff to expedite solving this grave problem.

Respectfully submitted,


Cesar Lucio
President

Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

655-17



120 North E Street
Madera, CA 93638
Phone (559) 673-3563
FAX (559) 673-5009
www.maderachamber.com

May 13, 2010

Mr. Curt Pringle, Chairman
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Chairman Pringle:

On April 26, 2010, the Madera Chamber of Commerce Board of Directors took official action on the proposed California High Speed Rail routes through Madera. A motion was unanimously passed opposing the A-2 route that runs through the City of Madera and supporting the A-1 route, or a version with minor modifications of the A-1 route, just east of the city.

In opposition to the A-2 route, the Madera Chamber of Commerce Board of Directors have concluded that there are far too many impacts that would devastate the residential, commercial, and industrial areas along the proposed A-2 route.

Too many commercial and industrial businesses would be displaced, and while there are funds to assist in the relocation of those affected by the proposed route, there is a concern that this would not be feasible or affordable for these businesses to do so, thus creating a great hardship. In particular, our downtown businesses provide services to those who live in the area and that have limited transportation. The end result of the high speed rail on the proposed A-2 route would eliminate these services and products to those consumers, creating a loss of client base for the downtown commercial area. The aforementioned arguments also create a concern for the loss of sales tax revenue to our city.

The Madera Chamber of Commerce questions whether the funding from mitigation would really provide what is needed to successfully resolve the negative impacts this route would leave in its trail.

With the great task ahead of you, the Madera Chamber of Commerce Board of Directors, respectfully requests that you eliminate the proposed A-2 route and focus all future developments for the A-1 route regarding the high speed rail in Madera County.

If you, or your staff, have any questions or need additional information, please feel free to contact me at (559) 673-3563.

Respectfully,

Debra L. Bray
President/CEO
Madera Chamber of Commerce



655-18

April 30, 2010

Mr. Curt Pringle, Chairman
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Chairman Pringle:

At the April 14, 2010 Madera County Economic Development Commission (MCEDC) Board of Directors meeting a motion was unanimously passed putting the MCEDC on record opposing the proposed A-2 alignment and; unless the California High Speed Rail Authority (HSR) can propose an alternative route that is acceptable by both the cities of Madera and Chowchilla MCEDC will only support the A-1 alignment.

The major concern that MCEDC has with the A-2 route is that it will run through the middle of each of our two cities and impacts residential, commercial and industrial sites.

There are significant industrial facilities that would be negatively impacted. HSR staff has stated relocation money would be offered to these businesses, however, when an industrial site is located, it cannot be randomly relocated a ½ mile away. Industrial users select sites for very specific reasons and if forced to relocate the prospect of them remaining in Madera County, or even the State of California, is very low at best.

Displacement of commercial businesses that are operating in the Downtown Madera area would also face challenging relocation circumstances. Most all of the businesses in the downtown area service a "walking" clientele. Furthermore they are paying rental rates that are a fraction of other areas in the City of Madera and relocation would create a financial hardship on those business owners.

Future retail projects that are proposed for the Ave. 17 interchange will be harshly impaired by the A-2 alignment. Many will not move forward with existing development plans when faced with the severe impacts of the A-2 route considering the taking of key property, imposing barriers to freeway visibility and an array of other issues. This area is critical to the future commercial development for the City of Madera and can have enormous negative impacts on future revenues.

"Madera County, The Perfect Location"



2425 West Cleveland Ave., Suite 101 • Madera, CA 93637
559-675-7768 • fax 559-675-3252 • www.maderacountyedc.com

Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC
and United Park Inc. (Attny for), October 12, 2011) - Continued

In Chowchilla many business would also be displaced and the new "commercial/industrial" growth center would be destroyed. The newly proposed Robertson Ave/Hwy 233 Interchange would most likely have to be redesigned and future transportation routes are also in jeopardy.

There is no advantage to the cities or the county if the A-2 route is selected and the two major population centers are cut in half by a high speed rail system that will do no more than run through the County of Madera and its two cities at speeds in excess 200 MPH every 7-10 minutes not stopping until they reach either Fresno on the south or Merced on the north.

MCEDC urges that the HSR move quickly to resolve this issue as already in jeopardy is the possible loss of \$5 million in Federal Economic Development Agency money. MCEDC finds it unacceptable that the HSR Board does not take immediate action to assure the hard work and expense to each city to secure the above mentioned grant funds, not to mention the future revenues generated from these projects, are not lost.

Please feel free to contact me if you or your staff has any questions regarding this matter and we are more than willing to meet with appropriate staff to expedite solving this grave problem.

Respectfully submitted,


Bobby Kahn
Executive Director

Cc:

Board Members

Tom Umberg
David Crane
Rod Diridon, Sr.
Richard Katz
Lynn Schenk
Fran Florez
Judge Quentin L. Kopp
Russ Burns

Executive Director

Carrie Pourvahidi

Response to Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC and United Park Inc. (Attny for), October 12, 2011)

655-1

See MF-Response-GENERAL-10, MF-Response-GENERAL-16.

655-2

The Authority and FRA disagree with the comment that the EIR/EIS fails to adequately consider alternative locations for the HST project in the Merced to Fresno section. The NEPA/CEQA scoping process for the Merced to Fresno section project-level EIR/EIS identified both the BNSF and UPRR rail corridors as the base from which scoping and alternatives development would proceed. Through scoping and the alternatives development process, the lead agencies considered multiple north/south alignment options between Merced and Fresno following the two freight rail corridors to varying degrees, as well as an alternative location west of Madera that departed from the existing freight rail corridors. Public input on avoiding impacts has been a critical component to the evolution of the alternatives. The process has also involved consideration of multiple east/west and wye alternatives. The EIR/EIS therefore considers a reasonable range of alternatives, including alternative locations, for implementing the HST project between Merced and Fresno. As explained in Chapter 2, the east/west and wye alternatives involving Avenue 24, Avenue 21, and SR 152 will all be carried forward for further analysis and consideration in the San Jose to Merced project-level EIR/EIS, and the lead agencies will defer decisions on these project components until the additional analysis is completed. The multiple alternative locations considered, but not carried forward for full analysis, are discussed briefly in Chapter 2 and in more detail in the Preliminary Alternatives Analysis Report and the Supplemental Alternatives Analysis Report.

See MF-Response-GENERAL-2.

655-3

The comment generally claims the Draft EIR/EIS inappropriately defers development of mitigation measures for noise and vibration, aesthetics and visual resources, and socioeconomics, communities, and environmental justice, without identifying adequate performance standards. As described in the CEQA Guidelines, an EIR must describe feasible mitigation measures which could minimize a project's significant adverse impacts. NEPA regulations require an EIS to discuss means to mitigate a project's adverse environmental effects. Neither NEPA nor CEQA allow for a lead agency to

655-3

defer development of mitigation measures until after project approval. Where, however, an EIR/EIS identifies multiple mitigation measures to mitigate an impact, but additional planning or information is needed to determine which mitigation measures are appropriate for implementation, the EIR/EIS can identify that the lead agency will meet a specific performance standard through one or more of the available mitigation measures. The details of exactly how the performance standard will be achieved under the identified measures can be deferred pending completion of further study and planning. As explained in the Sacramento Old City Association v. City Council CEQA case, "for [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process ..., the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated." (Sacramento Old City Association v. City Council (1991) 229 Cal.App.3d 1011, 1028–1029 internal citations omitted.)

The mitigation measures identified in the Draft EIR/EIS for noise and vibration, aesthetics and visual resources, and socioeconomics, communities, and environmental justice meet the requirements by identifying performance standards that the mitigation measure must meet. Like the example in Sacramento Old City Association, the development of the mitigation appropriate to particular locations will be undertaken in consultation with the affected local governments, communities, and property owners, in many instances as part of final project design. Also see MF-Response-GENERAL 1.

655-4

See MF-Response-GENERAL-3, MF-Response-LAND USE-2, MF-Response-LAND USE-3, and MF-Response-LAND USE-4.

655-5

See MF-Response-AQ-6 and MF-Response-GENERAL-5. Cumulative Impacts are discussed in Section 3.19 of the EIR/EIS.

Response to Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC and United Park Inc. (Attny for), October 12, 2011) - Continued

655-6

See MF-Response-SOCIAL-4, MF-Response-LAND USE-2, MF-Response-TRAFFIC-3, and MF-Response-AQ-3. None of the alternatives resulting in the bisecting of any of the communities. Some of the alternatives would incrementally add to the division that was created when the original rail lines were constructed and the communities developed around the stations. Some of the alternatives travel through the spheres of influence, but access is maintained.

655-7

See MF-Response-SOCIAL-3.

This Alignment was developed as part of the alternatives analysis process to avoid numerous obstacles (Chowchilla Airport, SR99/SR152 interchange, CertainTeed, etc.) while following existing transportation corridors (UPRR and SR99). See MF-Response-GENERAL-10.

655-8

A considerable degree of study has been conducted to model HST ridership levels, including the potential shift in modes of travel. While all forecasts have an inherent level of uncertainty, the ridership forecasts described in the EIR/EIS appropriately support the feasibility of the project and present a valid approach to determine the reasonable range of potential impacts.

The forecasts of HST ridership used in the EIR/EIS were developed from 2005 to 2008 by Cambridge Systematics, a national leader in transportation economics and modeling with extensive current experience in transportation issues throughout California. Before modeling changes in modes of travel that could result from implementation of the HST, a detailed picture of current and future trip-making in California was developed. The volume of present travel among cities and rural regions was estimated from highway traffic counts, federal data on air trips, existing and new surveys of origins and destinations of trips, Caltrans data, and many other sources. The cost and speed of travel by air, car, and train, including getting to stations and airports and parking at destinations, was developed. Growth in traffic was projected from: state forecasts of population, employment, and household income growth; and the known relationships of these factors with travel volumes. An extensive U.S. and international body of research

655-8

and experience exists on why people pick cars, planes, transit, or other ways to travel for a specific trip. To develop the forecast model, over 4,000 existing surveys of California inter-regional travelers were combined with 2,700 new surveys collected in 2005 specifically to determine their sensitivity to cost, speed, and convenience. Cambridge Systematics developed a detailed 4,667-zone model for the entire state to forecast travel between regions. The economic and household characteristics were forecast for each zone in the year 2030 based on data and forecasts from state, regional, and local government agencies. A detailed description of system capacity, speeds, service levels, cost, and traffic congestion for the highway and local transit networks was developed for 2030 from the fiscally constrained long-range transportation plans of each regional planning agency. Finally, future air and intercity conventional rail service reflecting current service levels and planned investments were incorporated. The high-speed train line and stations were added using fares, travel times between stations, and time between trains, provided by the Authority. A peer review panel of local, national, and international travel model and high-speed train experts reviewed and commented on the modeling assumptions, methodologies, and results during each stage of model development.

Based on ridership numbers, the Authority and FRA determined the approximate reduction in vehicle miles traveled (VMT) and the reduction in air travel; which result in corresponding reductions in energy consumption (See Table 3.6-24 and 3.6-25). As described in Section 3.6 and illustrated in Table 3.6-10, even with the increased in electrical consumption resulting from the HST System, there would still be a net decrease in overall energy consumption resulting from the decrease in VMT and air travel.

655-9

High-pressure natural gas lines are identified in Section 3.6 Public Utilities and Energy as "high risk" utilities. Section 3.6 Public Utilities and Energy enumerates the number of gas lines near the proposed alternatives, concluding that the UPRR/SR 99 Alternative would be near the greatest number of gas lines (and, thus, would have the greatest associated risk).

During construction, the potential for accidental disruption of utility systems, including buried utility lines, is low due to the established practices of utility identification. Where

Response to Submission 655 (C. William Brewer, Bay Valley Venture, LLC, Delta Valley Venture, LLC and United Park Inc. (Attny for), October 12, 2011) - Continued

655-9

existing underground utilities such as gas, petroleum, and water pipelines would remain in the HST right of way, the utilities would be placed in a protective casing to accommodate future maintenance activities. High risk facilities are further addressed in Section 3.11 Safety and Security. Because the likelihood of a catastrophic industrial accident adjacent to the HST alignment is low, the hazards from nearby facilities are considered negligible under NEPA and less than significant under CEQA for all alternative alignments.

655-10

See MF-Response-GENERAL-16.

The San Jose to Merced team is analyzing a potential SR152 alignment; The extension to Merced from Avenue 24 is limited to a 150 mph design speed due to the geometrics of the turnouts needed to branch off of the San Francisco to Los Angeles line.

655-11

See MF-Response-GENERAL-16 and MF-Response-GENERAL-10.

655-12

See MF-Response-GENERAL-16.

High speed trains will need to slow down to 150 mph as they travel through the turnouts needed to branch off of the San Francisco to Los Angeles line. Increasing the curve radius beyond the limits of the turnout will not provide a significant time savings.

655-13

See MF-Response-GENERAL-10.

655-14

See MF-Response-GENERAL-10.

655-15

See MF-Response-GENERAL-10.

655-16

See MF-Response-SOCIAL-3, MF-Response-GENERAL-10, and MF-Response-GENERAL-19.

655-17

See MF-Response-GENERAL-10.

655-18

See MF-Response-GENERAL-10.

Submission 113 (Dr Loraine Goodwin, Black Physicians of the Central Valley, September 16, 2011)

Merced - Fresno - RECORD #113 DETAIL

Status : Action Pending
Record Date : 9/16/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/16/2011
Submission Method : Website
First Name : Dr Loraine
Last Name : Goodwin
Professional Title : Physician/ Arbitrator
Business/Organization : Black Physicians of the Central Valley
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93637
Telephone : 5594811009
Email : saveourvalley@hotmail.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

113-1

Stakeholder Comments/Issues :
 I demand safe paths to schools for children walking and biking. I have listened to a number of presentations about high speed rail and I have not heard anyone address safe paths to schools for the involved communities. Many of the central valley schools have streets too narrow and/or no sidewalks for the students walking or biking. I want to encourage students to exercise safely everyday. So, we need safe paths to school and we need to ensure the railways do not create new or increased dangers for our students.
 I want to see an analysis of the school paths for the communities, especially Merced, Fresno and Bakersfield where large stations will be built, traffic will be hugely increased, and an increased number of strangers will encounter the students daily.
 I want to ensure the community stakeholders have discussed safe paths to school and I want to ensure the Transportation Authority provides funds over the coming years to improve our streets, create sidewalks, install modern traffic signals and create safe bike paths in a planned manner.
 I feel our elected officials have let us down by not discussing these issues, but I would like a response from the High Speed Rail Authority as to what can be done to improve our pitiful and dangerous streets. Madera has one of the highest death rates for pedestrian vs. automobile accidents. I demand the Transportation Authority use monies available to make our streets safe while building this modern High Speed Rail system.
EIR/EIS Comment : Yes

Response to Submission 113 (Dr Loraine Goodwin, Black Physicians of the Central Valley, September 16, 2011)

113-1

Comprehensive improvements to transportation infrastructure, including safe paths to school, within communities in the HST project area would be planned and constructed by other agencies under projects other than the HST project, and would be funded through separate funding sources. The California High Speed Rail Authority is the state entity responsible for planning, constructing, and operating the HST system. Local municipalities, counties, and the California Department of Transportation (Caltrans) are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST System would impact those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternate pedestrian access.

Pedestrian connectivity around stations and the HST alignment would be maintained during construction and operation of the HST System, as described in Section 3.2 Transportation of the EIR/EIS. Section 3.2.7, Mitigation Measures, describes the specific measures that would be taken to improve existing facilities that would be impacted by the HST alignment, including measures such as adding traffic signals and stop signs. As a result, existing paths to school would not be affected by the HST project.

Submission 132 (Dr Loraine Goodwin, Black Physicians of the Central Valley, September 20, 2011)

Merced - Fresno - RECORD #132 DETAIL

Status : Action Pending
Record Date : 9/20/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 9/20/2011
Submission Method : Website
First Name : Dr Loraine
Last Name : Goodwin
Professional Title : Physician/Arbitrator
Business/Organization : Black Physicians of the Central Valley
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93637
Telephone : 5594811009
Email : saveourvalley@hotmail.com
Cell Phone :

Email Subscription : Merced - Fresno

Add to Mailing List : Yes

Stakeholder

Comments/Issues :

I spoke with HSR representatives and commented on the need of HSR for seniors. They said they had never heard these comments before, so I wanted to send them to you officially.

HSR is absolutely necessary because we are going to have a surge of seniors throughout California over the next twenty years. What most people don't realize is that these seniors will be losing their driver's licenses as they age for various reasons, including poor eyesight, seizures, tremors, Parkinson's, mental disorders, etc.

We have really no transportation system in the Central Valley. Our politicians have always opted for cars and highway 99. They failed to see the future and prepare for it. Now, we must create the transportation infrastructure at a time when money is very tight. But, on the good side, we will also create much needed employment and cash flow in a very poor area of the state.

I anticipate a number of Central Valley seniors will live to be 90 and older. I also anticipate they would love to travel via HSR to Fresno, Merced, San Jose, and San Diego. We must prepare so seniors get older with a better quality of life. Many seniors, and others, will need the HSR to get to specialized medical centers for weekly, monthly, or annual care visits. Many seniors will not have access to younger people with cars who will be able take off work to chauffeur them around. HSR will certainly improve the Central Valley for the better and allow our poor (who can not afford cars), disabled, seniors and moms with kids, etc., a chance for a better quality of life with family and friends. They will not have to become/remains shut-ins.

EIR/EIS Comment : Yes

132-1

Response to Submission 132 (Dr Loraine Goodwin, Black Physicians of the Central Valley,
September 20, 2011)

132-1

See-MF-Response-GENERAL-9.

Submission 649 (Lowell Glen Bradford, Bradford Farms, October 10, 2011)



RECEIVED 13 de octubre de 2011

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/ Lowell Glen Bradford
Nombre: Bradford Farms

Organization/
Organización:

(Optional/Opcional)
Address/Domicilio: 10219 Mariposa Way

Phone Number/
Número de teléfono:

City, State, Zip code/
Ciudad, estado, código postal:
Le Grand CA 95333

Email address/
Correo electrónico:

Comments attached

BRADFORD FARMS

Glen Bradford
10237 E. Mariposa Way
Le Grand, CA 95333
Phone: 209-389-4212
Mobile: 209-617-4443

10219 E. Mariposa Way
Le Grand, California 95333
Phone: 209-389-4212
Fax: 209-389-4009
e-mail: bfnect@aol.com
webpage: www.bradfordgenetics.com

Audrey Bradford
10213 E. Mariposa Way
Le Grand, CA 95333
Phone: 209-389-4814

October 6, 2011

Merced to Fresno HST Environmental Review
770 L Street, Suite 800
Sacramento, CA 95814

Dear High-Speed Rail Authority:

My parents and I have farmed near Le Grand for almost 50 years. We currently own and farm 310 acres of almonds and dedicate another 110 acres to our genetic plant breeding business. Our genetic plant breeding business is one of the largest and oldest private program in the United States, as it has developed and patented several hundred nectarine, peach, plum, apricot and cherry varieties. Several million trees of these varieties have been planted in the United States, Australia, New Zealand, Chile, South Africa, and Europe. This business is very labor intensive and takes years of evaluation and testing of the 25,000 new hybrids that we produce each year. You may visit us at www.bradfordgenetics.com to get further information.

649-1 While I totally oppose the entire HSR project on the grounds that it will destroy thousands of acres of prime farmland, that it is too expensive, that it will continually lose money after completion, and that our country is in no financial position to add to its debt, I want to specifically point out the detrimental effects upon our business if the route traveling near Le Grand on to Merced is approved.

649-2 This route's path does the following to our properties:

1. Cuts two swaths straight through the heart of our genetic plant breeding business. That is a direct destruction of about 10 acres. It also separates our newly installed 640' deep, 100 h.p. pumping station from over half of the land that it services. This is our secondary source of water, but our primary source of frost control. It cuts off about 25% of the land from the MID source of water. It cuts straight through our pipelines that deliver our irrigation water. It separates our fuel tanks and equipment yard from the majority of our property. Finally, it will divide and separate our property into separate parcels requiring miles of driving around, which will be devastating during the crossing season – perhaps cutting our efficiency in half. Plant breeding is a very competitive business with time being of the essence. The loss in continual evaluation time to move to a new location and the direct loss in the destruction of new hybrids will certainly lose many new introductions for us, which will amount to multiple millions of dollars in losses to us. One unprotected frosty night could easily result in a \$3 million dollar loss.
2. Cuts two swaths through our 80 acre almond block on Mariposa Way. This is a direct destruction of another 10 acres of land. This will also cut off about 30% of it from both its MID irrigation source and our 50 h.p. pumping station which also provides for our only frost control. Again, it will require several miles to drive around to the other block.
3. Cuts two swaths through our 15 acre almond orchard on Santa Fe Drive, leaving our 30 h.p.

Submission 649 (Lowell Glen Bradford, Bradford Farms, October 10, 2011) - Continued

649-2

pumping station (for frost and secondary water) severed from over 90% of the remaining land. It does the same to our MID source of water. It also takes out the drainage end of the property, which will make it almost impossible to farm. It also severs our property from direct access to Santa Fe Drive, which renders the property almost worthless. Overall, it more than totally destroys this parcel.

4. Cuts two swaths through another of our almond orchards (20 acres) also located on Santa Fe Drive, leaving our 50 h.p. pumping station (for frost and secondary water) severed from over 90% of the remaining land. It does the same to our MID source of water. It also takes out the drainage end of the property, which will make it almost impossible to farm. It also severs our property from direct access to Santa Fe Drive, all of which renders the property almost worthless. Again, this parcel will be useless.

Overall, this project will render 35 acres of almonds as not farmable, it will take out another 20 acres just passing through, it will make access to both remaining sides very difficult, it will sever and separate all of our water sources (especially for frost control), and it will deny the use of our deep well pumping stations to over half of our land. Additionally, it will interrupt our continual development and evaluation of new stone fruit varieties, which is our major source of income which does bring foreign money back into this country.

Just the writing of this letter and the studying of the maps has made me realize that this is far more devastating than I first thought. This project is very detrimental to our business, will result in huge losses of income for us, will reduce the size of our farmable land, and could ultimately cause the layoff of several full time jobs. We do not want to sell any land, we do not want to reduce our business size, and we do not expect to drive 4 miles to get to the other side of our orchards or to our equipment yard.

649-3

I assume that the project is ready to fully compensate our business for all of these losses. I expect them to have an open checkbook to buy us an additional 45 acres of almonds in our neighborhood and purchase another 55 acres of land adjoining our plant breeding business to keep it necessarily contiguous. I expect them to drill us 3 or 4 new deep well pumping stations equivalent to the ones we have. Then I also expect to be compensated for the loss income during the transition time, for all the expenses to move the plant breeding business, for all the hybrids destroyed, and for the competitive loss to our company for being throttled during this process.

649-4

These are the reasons that I strongly oppose this route, but keep in mind that I oppose you doing this to other people also. This is a bad project for our county, our state, and our country. Wasting money on losing projects is not what our government should be doing, especially during these hard times. I hope that every politician who is supporting such non-sense is held accountable and voted out of office.

Sincerely,


Lowell Glen Bradford

PS. I didn't mention our spray materials being carried down the tracks at 160 mph.

Response to Submission 649 (Lowell Glen Bradford, Bradford Farms, October 10, 2011)

649-1

See MF-Response-General-14

649-2

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, and MF Response-AGRICULTURE-4.

649-3

See MF-Response-GENERAL-4 and MF-Response SOCIAL-1.

649-4

See MF-Response-General-14.

Submission 573 (Virginia Bright, Bright's Nursery Inc, October 12, 2011)

Merced - Fresno - RECORD #573 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/12/2011
Submission Method : Website
First Name : Virginia
Last Name : Bright
Professional Title : Controller/Owner
Business/Organization : Bright's Nursery Inc
Address :
Apt./Suite No. :
City : LeGrand
State : CA
Zip Code : 95333
Telephone : 2093894511
Email : vbnursery@hughes.net
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

573-1

**Stakeholder
Comments/Issues :**

This letter presents comments on the California High Speed Rail Merced to Fresno HST Environmental Draft Impact Report EIR/EIS.

The DEIR/S is flawed because it fails to accurately and completely describe the existing environmental setting and evaluate impacts against the setting. The environmental setting is the pre-project or existing environmental conditions on the ground. Specifically, the DEIR/S fails to describe:

1. How and if the Merced to Fresno HST Environmental Draft Impact Report EIR/EIS conflicts with Williamson contracts that are in place on the farmland that will be taken for the project?
2. The Merced to Fresno HST Environmental Draft Impact Report EIR/EIS fails to accurately and completely describe how they will compensate for the loss on APN#068-130-005 to a nursery budwood block that is vital to the ongoing business practice of Bright's Nursery Inc. obtaining buds on a yearly basis for growing trees for sale to commercial growers. This budwood block and micro irrigation system has been in place for approx 15 to 20 years. It takes at least 5 to 8 years to have a viable and reliable source for budwood to be harvested. This budwood is responsible for growing between 750K to 1 million trees per year.

573-2

For this reason or reasons, it is not possible for the DEIR/S to have accurately and completely described the impacts of the project, the time frame of 90 days for the responses was not adequate for responses. A revised DEIR/S must be prepared to address these omissions and recirculated for a 90-day public comment period.

Sincerely,

Virginia Bright
 Bright's Nursery Inc.
 5246 Plainsburg Rd
 Le Grand, CA 95333

EIR/EIS Comment :

Yes

Response to Submission 573 (Virginia Bright, Bright's Nursery Inc, October 12, 2011)

573-1

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-3, and MF-Response-AGRICULTURE-7.

573-2

See MF-Response-GENERAL-7.

Submission 630 (Darrold and Karen Brummell, Brummell Bros. Ranch, October 12, 2011)

Brummell Bros. Ranch
Darrold & Karen Brummell
1125 So. Whealan Road Le Grand, CA 95333
Tel: (209) 383-1033 Email: dbrum13891@att.net

RECEIVED
10-12-11A11:38 RCVD

October 7, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814

Re: EIR/EIS Comments

Thank you for this opportunity to address this project of the High Speed Rail (HSR).

- 630-1 I believe that this project will devalue my home in an already suppressed market and make it almost
630-2 impossible to sell at this time or any time in the future. It will also create noise levels that will make it
630-3 unbearable to live near, and it will disturb our usually peaceful home as well as obstruct my view of the
beautiful Sierra Nevada Mountains. I also believe that the HSR will have an impact on the kit fox habitat
and endangered species that live in the creek near my home.
- 630-4 What specific studies has HSR conducted to assess local economic and environmental damages created
by the HSR project?
- 630-5 I own a hay hauling business that is located in the Chowchilla area on Road 11 and Avenue 25. The Ave
24 Wye and Ave. 24 alternative will greatly impact my business. It will create significantly higher costs
to operate because of road closures forcing me to find alternate routes to get to our customers'
locations. This will, in turn, also create more emissions adversely affecting our air quality. The road
closures will cause congestion on the remaining roads that will be open, which in turn will create
additional critical maintenance and improvement by our already overburdened county road
department.
- 630-6 The HSR will also impact farms and dairies that I do business with, causing them to lose their land and
possibly go out of business, which in turn will force me to layoff or let employees go and even possibly
go out of business myself.
- 630-7 What specific studies has HSR done to assess the economic disruption to our area created by these road
630-8 closures? What will happen to all the jobs that will be lost due to the impact of this project?
- I also farm 80 acres on Ave. 25 and I am not sure how the HSR will affect my water sources for irrigation,
whether my access to surface water from the Chowchilla Water District will be cut off. I am further

Brummell Bros. Ranch
Oct. 7, 2011
(Page 2 of 2)

- 630-8 concerned about the issues of safety for fire protection, police and ambulance response with all the
road closures. The extra time it will take to get to the people could cause a loss of life and property.
- 630-9 Has HSR coordinated specifically with the appropriate local agencies to ensure that their facilities and
interests are protected?
- 630-10 I believe that HSR could split the community in half, causing loss of jobs and business. I also believe that
there is not enough money for the HSR project and that it will not generate enough ridership and end up
having to be subsidized by the government. In the end, I believe the HSR project will cause a loss of
jobs, homes, businesses and a highly valued way of life.

Thank you,


Darrold Brummell


Karen Brummell

Response to Submission 630 (Darrold and Karen Brummell, Brummell Bros. Ranch, October 12, 2011)

630-1

See MF-Response-SOCIAL-2.

630-2

MF-Response-NOISE-1, MF-Response-NOISE-3, and MF-Response-VISUAL-1.

630-3

See MF-Response-BIO-2.

630-4

Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the EIR/EIS document assesses the local economic and environmental impacts of the proposed HST alternatives. The Executive Summary of the EIR/EIS summarizes the information provided in Chapter 3.

630-5

See MF-Response-AQ-4 and MF-Response-TRAFFIC-2.

630-6

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-4, MF-Response-GENERAL-4, MF-Response-GENERAL-4 and MF-Response-TRAFFIC-2. Refer to Section 3.14.5, for information on the HST alternatives effects on dairies. Mitigation has also been updated in Section 3.12.7, Socioeconomics, Communities, and Environmental Justice, to include new information on assistance that will be provided for complex permitting like dairies. In addition, text has been updated in Section 3.12.5 to reflect the potential jobs and how the effect is negligible compared to the total county employment with the job creation expected with the HST project. Section 3.2, Transportation provides information on the road closures in the Merced to Fresno section.

630-7

See MF-Response-WATER-1.

630-8

See MF-Response-S&S-3.

630-9

See MF-Response-GENERAL-17.

630-10

See MF-Response-GENERAL-10, MF-Response-GENERAL-14, MF-Response-SOCIAL-4.

630-11

See MF-Response-GENERAL-6, MF-Response SOCIAL-4, and MF-Response-GENERAL-14.

Submission 165 (Sharleen Robson, Buchanan Hollow Nut Company, September 14, 2011)



Buchanan Hollow Nut Company

6510 Minturn Road
Le Grand, California 95333
(209) 389-4594 • Toll Free 1-800-532-1500 Fax (209) 389-4321

8/24/11

Merced County Board of Supervisors
2222 M St
Merced, Calif., 95340

Attention: John Pedrozo

Subject: California High Speed Rail

165-1

Listed are some of the reasons I am not in favor of the High Speed Rail.

165-2

165-3

1. Merced County is broke.
2. California is broke.
3. Our United States Federal Government is broke.
4. The proposed route starts in nowhere and goes to nowhere.
5. The route would take our extremely valuable agricultural land.
6. Agriculture is very important in our country's trade deficit.
7. The Johnson land is historic with a 75 year old rock fence.
9. The main monetary benefit would go to a German Company.

You will lack an incredible amount of fiscal responsibility to take this plan any further. The Federal Government needs more than just restraint on spending. It is sad for me to see us slip in world standing. I don't want an ill advised speed rail to take monies we should be using to pay debts and regain some world respect.

Sharleen Robson

Copies to other board members!

Response to Submission 165 (Sharleen Robson, Buchanan Hollow Nut Company, September 14, 2011)

165-1

See MF-Response-GENERAL-4, MF-Response-GENERAL-18, MF-Response-GENERAL-2, and See MF-Response-GENERAL-14.

165-2

See MF-Response-CULTURAL-2.

165-3

See MF-Response-GENERAL-14.

Submission 64 (Marty Willett, Buzz Oates Group of Companies, August 31, 2011)

Merced - Fresno - RECORD #64 DETAIL

Status : Action Pending
Record Date : 8/31/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 8/31/2011
Submission Method : Website
First Name : Marty
Last Name : Willett
Professional Title : Asset Manager
Business/Organization : Buzz Oates Group of Companies

Address :
Apt./Suite No. :
City : Sacramento
State : CA
Zip Code : 95818
Telephone : 9163793868
Email : martywillett@buzzoates.com
Cell Phone :

Email Subscription : Fresno - Bakersfield, Merced - Fresno

Add to Mailing List : Yes

Stakeholder
Comments/Issues : We are the property owners at 4715, 4727 and 4739 West Shaw Avenue in Fresno. We reviewed the aerial showing the new train tracks, and the relocation of Golden State Blvd. The buildings on Shaw are new construction, and did not show on the aerial. The relocation of Golden State Blvd would pass through where the buldings currently sit.

We would like the Rail Authority to update the aerials, as they do not show the full extent of the properties that will need to be destroyed and/or relocated.

EIR/EIS Comment : Yes

64-1

Response to Submission 64 (Marty Willett, Buzz Oates Group of Companies, August 31, 2011)

64-1

The data and information used in the EIR/EIS analysis was the most current available at the time of the assessment. Owners of property within the project footprint will be contacted in the future. A detailed right-of-way survey will be conducted to support the property acquisition process.

Submission 577 (Terry Gage, California Agricultural Aircraft Association, October 12, 2011)



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577-2

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October 12, 2011

California High-Speed Rail Authority
Central Valley Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

To whom it may concern,

The California Agricultural Aircraft Association (CAAA) appreciates the opportunity to comment on the California High-Speed Rail Authority Draft EIR/EIS. The CAAA has over 300 members which represent the vast majority of California's professional aerial applicators.

In reviewing the EIR/EIS, we note that several areas where the document does not provide adequate or an accurate description of the project leaving us with more questions than confidence in the no-impact findings. In the Aerial Spraying section 3.14, it acknowledges that this project can impact spraying operations but then concludes that this will not cause a change in spraying patterns. How can this be accurate? Placing HST rail lines in the middle of agricultural lands will impact how aerial applicators make passes through nearby fields. We take exception to the description that the towers proposed are similar to existing utility poles. Currently, utility poles are approximately 45 ft in height. On the Allensworth Bypass Subsection Alignment 1, we note a description of a 100 ft Radio tower. How many of these towers are proposed? Are they all 100 ft? Will these towers have guy lines? Will these structures be marked? We are concerned about these structures as we recently lost a pilot due to striking an unmarked tower. In the Central Valley, many of our members make crop production applications at night to protect bees and farm workers. Placing unmarked and unlit structures in these areas is a significant safety hazard and may create the inability to provide vital services to some locations due to aerial hazards.

While the towers are not considered an obstruction, to address safety concerns on behalf of our members, the High Speed Rail Authority should file with the FAA Form 7460, Notice of Construction or Alteration, and gain FAA approval. The CAAA further requires that obstruction lighting be provided with each tower.



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577-5

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We also have concerns regarding the impact of Wind Induced Effects discussed on page 3.14 as well. We have no knowledge of any scientific studies that has evaluated the wind effects of 200 mph trains in agricultural settings. Your own analysis relies on extrapolating data from various studies with trains traveling at significantly less than 200 mph in urban settings. Should this analysis be flawed, there is significant potential for pesticide drift and translocation. We believe that additional data and analysis is needed to protect surrounding crops and the environment before you can assume no impact to agricultural operations.

As stated, we take exception to the "no impact" findings that this report states throughout the document. Aerial application is an essential tool for California Agriculture and these proposed structures create a serious aerial hazard to our members that provide vital crop protection services. Without lighting, these structures will undoubtedly take the life of a pilot that can not see these structures at night. Should these trains wakes cause contamination of nearby sensitive crops or environmentally sensitive areas, there is the potential for crop loss or additional reductions agricultural production. Considering the above, we encourage additional analysis and revision of the EIR/EIS.

Thank you for the opportunity to comment,

Terry Gage

Terry Gage
President, CAAA

Response to Submission 577 (Terry Gage, California Agricultural Aircraft Association, October 12, 2011)

577-1

Radio towers would be monopoles with no attached guy wires. They would be 100 feet tall and spaced approximately every 2.5 miles. Poles would be lighted for nighttime visibility for pilots, and lighting would comply with FAA and jurisdictional requirements. With respect to the commenter's concerns regarding spraying operations, see MF-Response-AGRICULTURE-5.

577-2

A Notice of Proposed Construction or Alteration (FAA Form 7460) is required for towers of 200-foot height or more, adjacent to airports. The proposed radio towers would be 100 feet tall, and therefore would not require filing FAA Form 7460. Poles would be lighted for nighttime visibility for pilots, and lighting would comply with FAA and jurisdictional requirements.

577-3

See MF-Response-AGRICULTURE-5.

577-4

The 100-foot tall communications poles associated with the HST communications network will be lighted pursuant to regulatory requirements.

577-5

See MF-Response-AGRICULTURE-5.

Submission 706 (Christian Scheuring, California Farm Bureau Federation Office of the
General Counsel, October 13, 2011)



CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
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Sent via E-Mail, Fed Ex & U.S. Mail
Fresno, Bakersfield@hsr.ca.gov
Merced, Fresno@hsr.ca.gov

October 13, 2011

California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Public Comments on the Draft EIR/EISs for the Merced to Fresno and Fresno to
Bakersfield Sections of the California High-Speed Train Project

To Whom It May Concern:

The California Farm Bureau Federation ("CFBF") appreciates the opportunity to provide the following comments on the Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") released for the Merced to Fresno segment of the proposed California High-Speed Train System ("CHSTS"), as well as for the Fresno to Bakersfield segment of the same. Because voluminous Draft EIR/EISs for both segments were released simultaneously by the California High-Speed Rail Authority ("Authority" or "HSRA") for a very minimal review period, and because of CFBF's comments and concerns with respect to each of the segments are in many instances overlapping, this comment letter is submitted simultaneously as to each Draft EIR/EIS.

CFBF is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. CFBF is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 76,500 agricultural and associate members in 56 counties, including

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

California High-Speed Rail Authority
October 13, 2011
Page 2

thousands of members within the six counties directly affected by any Merced to Bakersfield alignment of CHSTS. CFBF strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

CFBF has unsuccessfully requested, by letter of September 26, 2011, additional time for public review of the Authority's plans between Merced and Bakersfield. As a multi-billion dollar swath of public infrastructure across the California landscape which will likely be visible from low earth orbit for generations to come, CHSTS is worthy of a much more deliberate and considered period of public review than the minimum time periods set forth by law under the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"). Making decisions about the design and construction of CHSTS on a minimal timeframe in the face of what the Draft EIR/EISs disclose are allegedly "unavoidable" environmental impacts to a wide array of resources is, at best, a nod in the direction of the public as the Authority pursues funding exigencies which have no relation to CEQA or NEPA, or to the physical resources they are intended to protect. Farmers and ranchers within the San Joaquin Valley deserve better.

CFBF provides the following detailed comments for the Authority's consideration:

I. Project Purpose, Need, and Objectives

A. The EIR/EIS Contains a Legally Inadequate Project Purpose, Need, and Description

CEQA requires an EIR to have an accurate and stable project description.¹ "Among other things, a project description must include a clear statement of 'the objectives sought by the proposed project,' which will help the lead agency 'develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.'"² The description must also include "[a] general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities."³ As part of the project description, an EIR is to also contain:

A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the

¹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199, "[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

² *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654-655 quoting Cal. Code Regs., tit. 14, § 15124(b).

³ Cal. Code Regs., tit. 14, § 15124(c).

Submission 706 (Christian Scheuring, California Farm Bureau Federation Office of the General Counsel, October 13, 2011) - Continued

California High-Speed Rail Authority
October 13, 2011
Page 3

decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.⁴

The identification of the project objectives is crucial to the proper consideration and analysis of the project, especially, development of a reasonable range of alternatives to be evaluated in the EIR. As stated in the seminal "project description" interpretation of *County of Inyo v. City of Los Angeles*, *supra*, 71 Cal.App.3d at pp. 192-193:

A curtailed or distorted project description may stultify the objective of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposals benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

The adequacy of an EIR's project description is closely linked to the adequacy of the impact analyses.⁵ More specifically, the project description provides the analytical foundation for the entire EIR. It is therefore essential that the EIR has an accurate, well-conceived, stable, and finite project description. Thus, if the description is inadequate because it fails to discuss an aspect of the project, the environmental analysis will most likely reflect the same mistake.⁶ As demonstrated below, a distorted project description truncates both the assessment of impacts and consideration of meaningful alternatives.

Under NEPA, similar to the requirements laid out by CEQA, the EIS must include a discussion specifying the underlying purpose and need of the project.⁷ The purpose and need delineate the range of alternatives to be discussed and evaluated in order to allow for the proper review of an appropriate range of alternatives.⁸ The purpose and need must be properly defined; "if the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act."⁹

⁴ Cal. Code Regs., tit. 14, § 15124(b) (emphasis added); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163, overturned on other grounds.

⁵ *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.3d 713, 722-723.

⁶ *Ibid.*

⁷ 40 C.F.R. § 1502.13.

⁸ 42 U.S.C. § 4321 et seq.; 40 C.F.R. § 1502.13; *Stop The Pipeline v. White* (2002) 233 F.Supp.2d 957, 970-71; *Simmons v. U.S. Army Corps of Engineers* (7th Cir. 1997) 120 F.3d 664, 666, [In preparing an environmental impact statement under NEPA, a federal agency must first define the project's purpose before it can delimit what "reasonable alternatives" are.]

⁹ *Simmons*, *supra*, 120 F.3d at p. 666.

California High-Speed Rail Authority
October 13, 2011
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As evidenced in both Acts, the foundation of a proper EIR/EIS rests in the definition of the project's purpose, need, and objectives. As explained herein, the Merced-Fresno and Bakersfield EIR/EISs conflict with the basic tenets of its purpose, need, and objectives by negatively impacting agricultural lands, designing project routes which deviate from existing transportation corridors, designing a project that is growth inducing, and deviating from the express intent of voters who approved Proposition 1A.

B. State and Federal Laws and Policies Promoting Preservation of Agricultural Resources and Discouraging Urban Sprawl

1. Agricultural Resources Must Be Considered During Environmental Review

Agricultural resources are an important feature of the existing environment of the State, and are protected under federal policies, such as the Farmland Protection Policy Act and NEPA, state policies, and CEQA. Agriculture is the number one industry in California, which is the leading agricultural state in the nation.¹⁰ Agriculture is one of the foundations of this state's prosperity, providing employment for one in 10 Californians and a variety and quantity of food products that both feed the nation and provide a significant source of exports.¹¹ In 1889, the State's 14,000 farmers irrigated approximately one million acres of farmland between Stockton and Bakersfield. By 1981, the number of acres in agricultural production had risen to 9.7 million.¹² More recently, the amount of agricultural land in the state has declined. From 1982 to 1992, more than a million acres of farmland were lost to other uses. Between 1994 and 1996, another 65,827 acres of irrigated farmland were lost, and this trend is expected to continue.

In order to preserve agriculture and ensure a healthy farming industry, the Legislature has declared that "a sound natural resource base of soils, water, and air" must be sustained, conserved, and maintained.¹³ Prior to converting agricultural lands to other uses, decision makers must consider the impacts to the agricultural industry, the state as a whole, and "the residents of this state, each of whom is directly and indirectly affected by California agriculture."¹⁴

Both NEPA and CEQA require analysis of significant environmental impacts and irreversible changes resulting from proposed projects. These include unavoidable impacts; direct, indirect, and cumulative effects; irreversible and irretrievable commitment of resources;

¹⁰ Food & Agr. Code, § 802 subd. (a).

¹¹ CALFED Final Programmatic EIS/EIR, July 2000, pg. 7.1-1.

¹² Littleworth & Garner, *California Water II* (Solano Press Books 2007) p. 8.

¹³ Food & Agr. Code, § 802 subd. (g).

¹⁴ Food & Agr. Code, § 803.

Submission 706 (Christian Scheuring, California Farm Bureau Federation Office of the General Counsel, October 13, 2011) - Continued

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706-2

relationships between short-term uses and long-term productivity; and growth-inducing impacts to the environment. In both CEQA and NEPA, the physical environment includes agricultural lands and resources. Given the national and statewide importance of agriculture and the legal requirements of environmental review, Farm Bureau urges the Agencies to properly assess all direct, indirect, and cumulative effects on the agricultural environment resulting from the proposed project in the EIR/EIS.

706-3

2. Agricultural Resources Must be Considered in a Legally Defensible NEPA Review

a) Farmland Protection Policy Act

As a result of substantial decreases in the amount of open farmland, Congress enacted the Farmland Protection Policy Act ("FPPA") in 1981 as part of the Agriculture and Food Act (final rules and regulations were published in the Federal Register on June 17, 1994).¹⁵ In its statement of purpose, the FPPA aims to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.¹⁶ Such projects shall also be administered in a manner compatible with local government and private programs and policies to protect farmland.¹⁷

To help assist federal agencies in minimizing the loss of farmland, guidelines were developed.¹⁸ Prior to progressing with the project, the Agencies should review these guidelines and incorporate the criteria into their NEPA analysis.¹⁹

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in § 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. *The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects*, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland.²⁰
[...]

¹⁵ 7 U.S.C. §§ 4201 et seq.

¹⁶ 7 U.S.C. § 4201.

¹⁷ 7 C.F.R. § 658.4.

¹⁸ See 7 C.F.R. §§ 658.1 et seq.

¹⁹ Agencies are to integrate the NEPA reviews with other agency planning and review processes, and coordinate with other federal agencies and with similar state processes when appropriate. (40 C.F.R. § 1500.2 subd. (c); 40 C.F.R. § 1506.2.)

²⁰ 7 C.F.R. § 658.4, emphasis added.

California High-Speed Rail Authority
October 13, 2011
Page 6

706-3

It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process.²¹

706-4

b) National Environmental Policy Act (NEPA)

In addition to the FPPA, NEPA itself requires review of the agricultural environment. Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and the environment, including the agricultural environment, can exist in productive harmony.²² Section 102²³ requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach.²⁴ Specifically, all federal agencies are to prepare detailed statements assessing and evaluating the environmental impact of and alternatives to major federal actions significantly affecting the environment.²⁵

Given the magnitude and scope of the proposed high-speed train project, significant environmental impacts, including direct, indirect, and cumulative effects, will occur. In determining "significance" under NEPA, the discussion in the EIR/EIS should focus on the "context" and the "intensity" of the impacts.²⁶ Under NEPA, context "means that the significance of an action must be analyzed in several contexts such as society as whole (human,

²¹ 7 C.F.R. § 658.4 subd. (e).

²² 42 U.S.C. §§ 4321 et seq.

²³ Among other things, Section 102(2) of NEPA requires agencies to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal Actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on –

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;...

(E) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. (42 U.S.C. § 4332(2)(C), § 4332(2)(E).)

²⁴ 42 U.S.C. § 4332(2).

²⁵ *Id.*

²⁶ 40 C.F.R. § 1508.27.

Submission 706 (Christian Scheuring, California Farm Bureau Federation Office of the
General Counsel, October 13, 2011) - Continued

California High-Speed Rail Authority
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706-4

national), the affected regions, the affected interests, and the locality.”²⁷ Intensity is measured, in part, by considering: (1) unique characteristics of a geographic area such as proximity to historic or cultural resources, parkland, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas; (2) the degree which the effects on the quality of the human environment are likely to be highly controversial; (3) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about a future consideration; (4) whether the action is related to other actions with individually insignificant but cumulatively significant impacts; (5) whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.²⁸

CFBF would like to caution the Agencies against overlooking their obligation to consider impacts to agricultural resources, as many federal agencies have made this mistake in the past. On August 30, 1976 the Council on Environmental Quality (“CEQ”) issued a memorandum to federal agencies informing them of the need to consider farmland loss as a potentially significant environmental impact. On August 20, 1980, the CEQ issued the following additional guidance to the heads of agencies regarding losses of agricultural lands because:

Approximately one million acres of prime and unique agricultural lands are being converted irreversibly to non-agricultural uses each year. Actions by federal agencies such as construction activities, development grants and loans, and **federal land management decisions** frequently contribute to the loss of prime and unique agricultural lands directly and indirectly. Often these losses are unintentional and are not necessarily related to accomplishing the agency’s mission.²⁹

For this reason, the CEQ advised:

If an agency determines that a proposal significantly affect[s] the quality of the human environment, it must initiate the scoping process [cite omitted] to identify those issues, **including effects on prime or unique agricultural lands, that will be analyzed and considered, along with the alternatives available to avoid or mitigate adverse effects...** The effects to be studied include ‘growth inducing effects and other effects related to inducing changes in the patterns of land use...cumulative effects...mitigation measures...to lessen the impact on...agricultural lands.’³⁰

²⁷ *Id.*

²⁸ *Id.*

²⁹ 45 Fed. Reg. 59189, *emphasis added* (see copy of document attached marked Attachment A).

³⁰ *Id.*, *emphasis added* (attached).

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Clearly then, in light of this guidance, the Agencies must consider agricultural resources as part of the physical environment when undertaking its NEPA analysis of alternatives, direct and indirect impacts, cumulative impacts, and mitigation alternatives within the EIR/EIS.

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c) Agricultural Resources Must Be Considered In A Legally
Defensible CEQA Review

One of the major principles of the State’s environmental and agricultural policy is to sustain the long-term productivity of the State’s agriculture by conserving and protecting the soil, water, and air that are agriculture’s basic resources.³¹ As currently proposed, the HSR project alternatives will convert agricultural lands to other uses. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing habitat conservation plans or natural community conservation plans.

The Agencies must consider the fact that CEQA also recognizes agricultural land and water resources as a part of the physical environment. Any and all adverse environmental effects on agricultural resources resulting from the project, as well as cumulative impacts that will occur over time, must be fully assessed and disclosed under CEQA, as well as avoided or mitigated as required by CEQA.

In CEQA, “[s]ignificant effect on the environment” means, “a substantial, or potentially substantial, adverse change in the environment.”³² The CEQA Guidelines make it clear the “environment” in question encompasses, “any physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.”³³ For further guidance as to the exact meaning of “significance,” the CEQA Guidelines provide a list of 29 general effects that will cause a project to “normally have a significant effect on the environment.”³⁴

Of particular relevance is CEQA Guidelines Appendix G, section II, Agricultural Resources, which states the following:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agriculture Land Valuation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optimal model to use in assessing impacts on agriculture and farmland. Would the project:

³¹ Food & Agr. § 821 subd. (c).

³² Pub. Resources Code, § 21068.

³³ Pub. Resources Code, § 21060.5.

³⁴ Cal. Code Regs., tit. 14, § 15000 et seq. (“CEQA Guidelines, Appendix G).

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- (a) Convert prime farmland, unique farmland, or farmland of state-wide importance . . . to non-agricultural use?
- (b) Conflict with existing zoning for agricultural use or a Williamson Act contract?
- (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

Although the Draft EIR/EISs contain sections analyzing impacts to the agricultural environment, this analysis is largely limited to impacts involving direct conversion of agricultural lands. However, as discussed in greater detail below, direct conversion of a certain acreage of farmland within the project footprint is not the only significant impact the project will have on agriculture.

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C. Language of Proposition 1A as Approved by Voters

California voters approved Proposition 1A, denominated the "Safe, Reliable High-Speed Passenger Train Bond Act," in November of 2008 ("Proposition 1A"). Proposition 1A authorizes the selling of \$9.95 billion in general obligation bonds, to plan and partially fund construction of a high-speed train system, eventually connecting California's major metropolitan areas from San Diego to Sacramento and the San Francisco Bay Area. As approved by the California electorate in 2008, and as presently codified in California Streets and Highways Code, Proposition 1A includes express provisions that the California High-Speed Train Project ("HSTP") be designed to achieve a number of very specific objectives, including the express requirements that:

1. "In order to *reduce impacts on communities and the environment*, the alignment for the high-speed train system shall follow existing transportation or utility corridors...."
2. "Stations should be located in areas with good access to local mass transit and other modes of transportation."
3. "The high-speed train system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment."
4. "[T]he HSRP should [preserve] wildlife corridors and [mitigate] impacts to wildlife movement where feasible as determined by the authority in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement."³⁵

³⁵ See Safe, Reliable High-Speed Passenger Train Bond Act at § 2704.09 ("Proposition 1A," as approved by voters, Gen. Elec. (Nov. 8, 2008) (Sts. & Hy. Code, § 2704, et seq.).

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D. Joint HSRA-FRA Statement of Purpose, Need and Objectives

As jointly defined by the California High-Speed Rail Authority ("HSRA") and the Federal Railroad Administration ("FRA"), the purpose of the HSTP is, first, "to provide a reliable high-speed electric-powered train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times" and, second, "to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources."³⁶

The need for the HSTP, as jointly defined by the HSRA and the FRA, is essentially, "[t]he need for improvements to intercity travel in California, including intercity travel between the south San Joaquin Valley, the Bay Area, Sacramento, and Southern California." This need, in turn, relates to various issues including "[f]uture growth in demand for intercity travel, including the growth in demand within the south San Joaquin Valley," and "[p]oor and deteriorating air quality and pressure on natural resources and agricultural lands as a result of expanded highways and airports and urban development pressures, including those within the south San Joaquin Valley."³⁷

Express objectives and policies of the HSTP jointly defined by the HSRA and the FRA include the objectives to "[m]aximize the use of existing transportation and rights-of-way to the extent feasible," and to "provide intercity travel in a manner sensitive to and protective of the region's natural and agricultural resources...."³⁸

E. Proposition 1A and the HSRA's and the FRA's Adopted Statement of Purpose, Need, and Objectives Require Selection of Alternatives that Maximize Utilization of Existing Transportation and Utility Corridors, as well as Alternatives That Minimize Impacts On Agricultural and Natural Resources

As noted, the express language of Proposition 1A as approved by California voters requires the preferred selection of HSTP alternatives that (1) make maximal use of existing transportation, utility and right-of-way corridors; (2) minimize impacts to natural resources (including, by extension, wildlife habitats and migration corridors, agricultural lands and open space); and (3) alleviate and prevent additional urban sprawl and worsened congested conditions on our existing roadways and in our airports. The HSRA's adopted statement of purpose, need, and objectives largely mirror these objectives—and, in some respects, make them more explicit.

³⁶ See Draft California High-Speed Train Project EIR/EIS, Merced to Fresno Section ("Merced-Fresno Draft EIR/EIS") at 1-3 through 1-4 [emphasis added]; Draft California High-Speed Train Project EIR/EIS, Fresno to Bakersfield Section ("Fresno-Bakersfield Draft EIR/EIS") at 1-4 [emphasis added].

³⁷ See Merced Draft EIR/EIS at 1-5; Fresno Bakersfield Draft EIR/EIS at 1-7 [emphasis added].

³⁸ See *ibid.*

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Additionally, as noted above, various state and federal laws and policies recognize the importance of preserving productive farmland and of protecting sensitive and threatened species and their habitats from encroachment by incompatible uses.

These clear directives of voter intent, state and federal law, and the HSRA's and the FRA's own statement of its project purpose and need amount to significant and unmistakable constraining limitations on the Agencies' selection of a preferred alternative for both the Merced-Fresno and Fresno-Bakersfield alignments of the HSTP. Prior to mitigation, an agency's project design and selection of alternatives provide perhaps the best and most effective means to avoid and minimize adverse impacts to sensitive resources, while at the same meeting the purpose, need, and specific objectives of the project.³⁹ The HSRA's directives on urban sprawl and congestion, agricultural lands and natural resources, and alignment within existing transportation, utility, and right-of-way corridors are so unequivocal that, even considered on balance with other competing objectives or directives for the project, any alternative that *did not* represent the *maximum* fulfillment of these objectives would be *per se* incompatible with these basic directives for the project.

For these reasons, as discussed in greater detail below, the HSRA and the FRA *must* adopt, as fundamental considerations bearing on final selection of their preferred alternatives for the Merced-Fresno and Fresno-Bakersfield alignments of the HSTP, the express requirements that those alignments (1) make maximal use of existing transportation, utility, and right-of-way corridors; (2) avoid impacts to agricultural land, natural resources, and sensitive habitats to greatest extent possible; and (3) provide and ensure the most effective means of promoting the project's stated objectives to reduce and alleviate urban sprawl and congested conditions on existing roadways and in existing airports.

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- F. The HSRA's and the FRA's Selection of the Preferred Alternatives Must Not Be Based Solely on the Direct Cost of the Alternative in Isolation from the Alternative's Indirect Economic and Relative Environmental Impacts

Proposition 1A provides that, "in order to reduce impacts on communities and the environment, the alignment for the high-speed train system *shall* follow existing transportation or utility corridors...."⁴⁰ In addition, the HSRA's express mandate that the HSTP must follow existing transportation, utility, and right-of-way corridors is implicit in the separate mandates that the HSTP's alignment "reduce impacts on communities and the environment," "be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment," "[p]reserve wildlife corridors and mitigating impacts to wildlife movement," and

³⁹ See Cal. Code Regs., tit. 14, §§ 15123(b)(1); 15126.6(a).

⁴⁰ See Safe, Reliable High-Speed Passenger Train Bond Act, *supra*, at § 2704.09.

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limit the extent to which the system may present an additional barrier to wildlife's natural movement."⁴¹

The HSRA's and the FRA's adopted objective with respect to existing corridors and rights of way departs somewhat from Proposition 1A's imperative "shall" in that it includes the qualifier that HSTP's alignments "[m]aximize the use of existing transportation and rights-of-way to the extent feasible."⁴² There is also some tension between the language of Proposition 1A concerning existing corridors and rights of way, on the one hand, and Proposition 1A's directive, on the other, that "[i]n selecting corridors or usable segments thereof for construction [of the HSTP], the [HSRA] shall give priority to those corridors or usable segments thereof that are expected to require the least amount of bond funds as a percentage of total cost of construction."⁴³ Under CEQA, however, "feasibility" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."⁴⁴ Similarly, NEPA qualifies alternatives as those that are both "practical and feasible" from the environmental, technical, and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.⁴⁵ Thus, under both Acts, practical, feasible, and plausible alternatives include those that may be more costly or not entirely consistent with all of the project's objectives.⁴⁶

To the extent the HSRA's and the FRA's selection of an alignment along an existing corridor or right of way itself amounts to *mitigation* or *avoidance* of one or more significant adverse impacts of another alternative, this cost is not properly considered to be a direct cost of the selected alternative. Given the legal obligation under CEQA and NEPA to select and design project alternatives and to adopt affirmative measures to avoid, minimize, and mitigate the adverse environmental impacts of a project, the incremental cost of fully meeting this legal obligation is a cost not properly considered as a differentiating feature among alternatives on a cost-comparative basis. In other words, the mitigation cost of a project in compliance with the law is, to a large extent, an embedded cost of a proposed project. From an environmental impact standpoint, such costs may not properly be placed on the environmental and public side of the ledger, but rather are more properly allocated to the project itself, as the actual and legal cause of a particular environmental harm. Where the environmental and economic costs of a more damaging and environmentally more intrusive or disruptive alternative is shifted to the environment, to an affected resource, or to some third-party, these costs must be properly quantified and included in the relative environmental and economic cost of that more damaging alternative. Even if these tenets of environmental equity under CEQA and NEPA are here discounted or ignored in and of themselves, they must be accorded special and independent

⁴¹ *Ibid.*

⁴² See Merced Draft EIR/EIS at 1-5; Fresno Bakersfield Draft EIR/EIS at 1-7 [emphasis added].

⁴³ See Safe, Reliable High-Speed Passenger Train Bond Act, *supra*, at § 2704.08, subd. (f).

⁴⁴ Cal. Code Regs., tit. 14, § 15364.

⁴⁵ See the Council on Environmental Quality (CEQ) Guidance Regarding NEPA Regulations, 40 C.F.R. 1500.

⁴⁶ Cal. Code Regs., tit. 14, § 15126.6(c).

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weight in the context of the HSTP, where the HSRA and the FRA are operating under an express mandate to base their selection of alternatives and project design on the avoidance of a specific class of impacts.

For these reasons, any HSR alignment that avoids and minimizes impacts to California's irreplaceable agricultural and natural resources by strictly adhering to core, existing transportation, utility, and right-of-way corridors along the Merced-Fresno and Fresno-Bakersfield route *cannot* and *must* not be compared solely on a direct dollar cost-basis to an alignment that reduces the project's *direct* costs by externalizing the project's *indirect* economic and environmental costs to private interests, to the environment, and to California's natural and agricultural resource base generally. Rather, the HSRA and the FRA must weigh such direct cost considerations against the HSRA's and the FRA's express mandate to avoid impacts to a specific class of resources, as well as their independent legal obligation to avoid, reduce, and mitigate the adverse impacts of their project on these same resources.

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II. Proposed Alternatives Within the Draft EIR/EIS

- A. An EIR Must Include a Reasonable Range of Alternatives and All Alternatives Are Governed By the Rule of Reason

CEQA mandates a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts.⁴⁷ For that reason, "[t]he core of an EIR is the mitigation and alternatives sections."⁴⁸ "The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided."⁴⁹

The EIR must "describe a range of reasonable alternatives to the project, or to the *location of the project*, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives."⁵⁰ The alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project.⁵¹

⁴⁷ Pub. Resources Code, § 21002; Cal Code Regs., tit. 14, §§ 15002(a)(3), 15126.6(a); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.

⁴⁸ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

⁴⁹ Pub. Resources Code, § 21002.1(a); see also Pub. Resources Code, § 21061.

⁵⁰ Cal Code Regs., tit. 14, § 15126.6(a).

⁵¹ Cal Code Regs., tit. 14, § 15126.6(b); *Goleta Valley*, *supra*, 52 Cal.3d at p. 556 [EIR must consider alternatives that "offer substantial environmental advantages"].

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The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned."⁵² Although no rule governs the number of alternatives that must be considered, the range is governed by the "rule of reason."⁵³ The range of alternatives must be selected and discussed in a manner that allows for meaningful public participation and informed decision-making.⁵⁴ The fact that CEQA does not require a specific number of alternatives does not excuse an agency's failure to present any feasible, less environmentally damaging options to a proposed project.⁵⁵

In addition to a reasonable range of alternatives, those alternatives evaluated within the EIR must be "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors," as well as feasibly accomplishing *most* of the basic objectives of the project and avoiding or substantially lessening *one or more* of the significant effects.⁵⁶ After analyzing alternatives within an EIR, the determination of whether an alternative is feasible is made in two stages.⁵⁷ The first step involves identifying a range of alternatives that will satisfy basic project objectives while reducing significant impacts.⁵⁸ Alternatives that are not "potentially feasible" are excluded at this stage, as there is no point in studying alternatives that cannot be implemented.⁵⁹ In the second stage, the final decision on the project, the agency evaluates whether the alternatives are actually feasible.⁶⁰ At this point, the agency may reject as infeasible alternatives that were identified in the EIR as potentially feasible.⁶¹

Similar to CEQA, NEPA regulations have explicit requirements regarding the adequacy of the alternatives analysis within an EIS. Specifically, NEPA requires that an EIS "rigorously explore and objectively evaluate *all reasonable alternatives*."⁶² To be adequate, an

⁵² *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222 [EIR that only considered two alternatives for less development was not a range of reasonable alternatives].

⁵³ Cal Code Regs., tit. 14, § 15126.6(a)(1); *Marin Municipal Water District v. KG Land Corp.* (1991)

235 Cal.App.3d 1652, 1664 ["CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR"].

⁵⁴ *Marin Municipal Water District*, *supra*, 235 Cal.App.3d at p. 1664.

⁵⁵ See *Sierra Club v. Contra Costa County*, *supra*, 10 Cal.App.4th at pp. 1217-18, 1222 [EIR that only considered two alternatives for less development was not a range of reasonable alternatives].

⁵⁶ Cal Code Regs., tit. 14, §§ 15126.6(c), 15364; see *Goleta Valley*, *supra*, 52 Cal.3d at p. 566.

⁵⁷ See *Mir Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489-490; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981 ("Native Plant Society"); Cal Code Regs., tit. 14, § 15126.6(c).

⁵⁸ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981; *Mir Mar Mobile Community*, *supra*, 119 Cal.App.4th at p. 489; Cal Code Regs., tit. 14, § 15126.6(a).

⁵⁹ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981; *Mir Mar Mobile Community*, *supra*, 119 Cal.App.4th at p. 489, [alternatives analyzed in the EIR need not be actually feasible, but rather need only be "potentially feasible."].

⁶⁰ *Ibid*; see also Cal Code Regs., tit. 14, § 15091(a)(3).

⁶¹ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981.

⁶² 40 C.F.R. § 1502.14 (emphasis added).

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environmental impact statement must consider every reasonable alternative.⁶³ An EIS is rendered *inadequate by the existence of a viable but unexamined alternative*.⁶⁴ Further, if the lead agency initially considers alternatives that could meet the purpose and need of the proposed action, but decides to not pursue them, the EIS must describe the reasons for the elimination of those alternatives.⁶⁵ As stressed under both NEPA and CEQA, it is especially important for the lead agency to fully document the reasons for eliminating the alternative from additional detailed study in order to fully inform the public.

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As discussed herein, the alternatives analysis within the Merced-Fresno and Bakersfield EIR/EISs not only contains alternatives that conflict with the basic purpose, need, and objectives of the voter approved Proposition 1A, but also omits certain alternatives that were improperly excluded from receiving full and proper environmental review. By failing to include a full range of alternatives and improperly rejecting alternatives prior to the environmental review stage, the public has been precluded from properly participating.⁶⁶

B. Proposed Alternatives For The Merced-Fresno Section

1. The UPRR/SR 99 Alignment North of Fresno Is Most Consistent With Voter Intent, HST Mandates, Policies and Objectives

The Merced-Fresno Draft EIR/EIS does not yet designate a preferred alternative for the north-south alignment, but indicates that a preferred alternative will be selected based on public comments and responses to comments in the Final EIR/EIS. CFBF respectfully, but emphatically submits that the UPRR / SR 99 alignment, for the Merced-Fresno section of the HSTP north of Fresno, is the alignment that is *most* consistent with voter intent, HST mandates, and the HSRA's and the FRA's adopted policies and objectives for the project, to locate the HSTP alignment within existing transportation, utility, and right-of-way corridors, and to avoid, minimize, and mitigate impacts to natural and agricultural resources. The UPRR / SR 99 alignment is *the* most desirable option to meet CEQA's and NEPA's mandates to avoid, minimize, and mitigate impacts to natural and agricultural resources, and also to further the objectives of the state and federal Endangered Species Acts, the Fish and Game Code, and the Clean Water Act. Furthermore, the UPRR / SR 99 alignment is *the* most effective option to address local concerns related to potential impacts to important farmland and economic activities and operations in nonadjacent agricultural areas along the BNSF, Hybrid, and UPRR / SR 99 alignments. The reasons for these conclusions are manifold and overwhelming, but include, without limitation, the following considerations:

⁶³ *Friends of Endangered Species v. Jantzen* (9th Cir. 1985) 760 F.2d 976, 988.

⁶⁴ *Methow Valley Citizens Council v. Regional Forester* (9th Cir. 1987) 833 F.2d 810, 815, rev'd on other grounds sub nom. *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.

⁶⁵ 40 C.F.R. 1502.14(a).

⁶⁶ *Laurel Heights I, supra*, 47 Cal.3d at p. 404, [The key issue regarding the adequacy of the alternatives analysis is whether the alternatives discussion encourages informed decision-making and public participation.].

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- The continuous north-south alignment along Highway 99 from Merced to Fresno, formerly denominated the A-2 alignment, and presently designated the UPRR / SR 99 alternative, is the alignment supported by the California Farm Bureau Federation. There is strong local support for the UPRR / SR 99. Furthermore, there are overriding environmental and policy considerations that distinguish the UPRR / SR 99 alignment as an environmentally superior choice. In considering the UPRR / SR 99 as a preferred alignment for the Merced-Fresno section of the HSTP, the HSRA and the FRA should, therefore, give considerable weight to the strong consensus on the Merced-Fresno UPRR / SR 99 alignment among agricultural interests representing a combined \$8.9 billion dollar agricultural economy in Fresno, Merced, and Madera Counties as of 2009, as the No. 1, 5, and 14 agricultural counties, respectively, in the nation's No. 1 agricultural state. Nor is it insignificant that the county boards of supervisors of the two most affected counties along the Merced-Fresno section of the HST (Merced and Madera) have likewise manifested their express support for the UPRR / SR 99 alignment.
- The UPRR / SR 99 alignment follows not only the existing Highway 99 and Union Pacific Railroad ("UPRR") rights of way, but also *the* core transportation, utility, and urban infrastructure corridor for the east side of the San Joaquin Valley, from Merced to Fresno. In contrast, while the Draft EIR/EIS's alternate Burlington-Northern Santa Fe ("BNSF"), Hybrid, and UPRR / SR 99 Chowchilla and Madera Bypass alignments utilize the existing BNSF right-of-way in varying degrees, the BNSF portions of the BNSF, Hybrid and Bypass alignments transverse vast areas of some of the best and most productive farmland in the world. By and large, these areas are currently undeveloped and intensively farmed. Moreover, the BNSF, Hybrid, and UPRR / SR Bypass alignments tend to deviate from the BNSF right of way to a much greater extent than a continuous UPRR / SR 99 alignment. Given these differing characteristics of the various alignments—and considering the HSRA's and FRA's mandates to locate the HST alignment *away* from natural and agricultural resources within existing transportation and utility corridors and right-of-ways—the unavoidable conclusion would appear to be that the HSRA's and the FRA's preferred alternative should be a continuous UPRR / SR 99 alignment from Fresno to Merced, and *not* the BNSF alignment, the Hybrid alignment, or either of the UPRR / SR 99 alignments around the Cities of Chowchilla and Madera.
- As corroborated by the analyses in the Merced-Fresno Draft EIR/EIS itself, a continuous UPRR / SR 99 alignment will have *less severe* direct and indirect impacts on important farmland, existing agricultural operations, protected and special-status wildlife, wildlife corridors, unique wildlife habitats including designated critical habitat, and wetlands and other "waters of the United States" within the meaning of section 404 of the Clean Water Act. In contrast, the impacts to *all* of these resources will be proportionately *greater* for a BNSF alignment, a Hybrid alignment, or a UPRR / SR 99 alignment (including either or both of the proposed bypasses around the Cities of Madera and Chowchilla). Consistent with the HSRA's mandate in Proposition 1A, as well as the HSRA's and the FRA's own

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policies and objectives to minimize impacts to agricultural and natural resources, the UPRR / SR 99 alignment is *per se* an environmentally superior alternative for the HSTP. In recognition of this fact, a continuous UPRR / SR 99 alignment should be selected by the HSRA and the FRA as the preferred alternative for the HSTP.

- Agricultural and natural resources, including important farmland, protected and special-status species, natural habitats, wetlands and other waters of the United States are irreplaceable, finite, and nonrenewable resources. Moreover, impacts on such resources are *environmental* impacts that receive special treatment and protection under CEQA, NEPA, and other environmental laws, including the state and federal Endangered Species Acts and the Clean Water Act. In contrast, socioeconomic and community impacts in urban and urbanizing areas are purely *social and economic*. Within this legal context, it is clear that, in assessing impacts and selecting a preferred alternative, the HSRA's and the FRA's Final EIR/EIS must accord proportionately *greater* weight to such *environmental* impacts under the BNSF, Hybrid and UPRR / SR 99 Bypass alignments, than to any countervailing *socioeconomic* or community-related impacts the HSRA and FRA may consider under a continuous UPRR / SR 99 alignment. Furthermore, although socioeconomic and community-related impacts are at least required to be discussed and analyzed under CEQA and NEPA (with some slight differences among the two laws), *neither* law mentions *political* feasibility, much less *political* convenience as factors that have any place in the CEQA/NEPA process.⁶⁷ Thus, the proper hierarchy and legal framework within which the HSRA and the FRA must approach selection of its preferred alternative is, first, *environmental* and, second, *social and economic*, whereas then, and *only* then, having considered the first two classes of impacts, may *political, pragmatic*, or *opportunistic* considerations have *any* bearing on the agencies' decision whatsoever.
- As discussed in greater detail elsewhere herein, the BNSF and Hybrid alignments north of Fresno—and any other HSR alignment that would blaze a trail through heretofore undisturbed rural and open space areas—will have dramatic impacts on natural and agricultural resources in these areas and will be extremely disruptive to countless existing agricultural operations. In contrast, the disruptiveness and the impacts of a continuous UPRR / SR 99 alignment on agricultural and natural resources, and on existing agricultural operations, will be much more limited, generally consistent with surrounding land uses, and confined in nature.

⁶⁷ The CEQA guidelines define "feasible"—as in a "feasible" alternative, a "feasible" project, or "feasible" mitigation—as something that is "capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Cal. Code Regs., tit. 14, § 15364.) NEPA speaks of the "human environment," "direct, indirect, and cumulative effects," and of "aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative," in addition to "natural," "physical," and "ecological" effects. (See, e.g., 40 C.F.R. §§ 1508.8 and 1508.14.) Neither law makes any mention whatsoever of "political" considerations or factors as facet of the CEQA and NEPA process.

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- Although a UPRR / SR 99 alignment is projected to be more costly than a BNSF or Hybrid alignment, the HSRA, local governments, and local communities can capitalize on expenditures associated with necessary improvements along UPRR / SR 99 alignment, by coordinating these improvements with other necessary improvements to local infrastructure—for example, in conjunction with future improvements and expenditures by CalTrans, the Department of Transportation, Amtrak, the Union Pacific Rail Road, and others, to improve and upgrade infrastructure, exchanges, roadways, and the like in the urban centers and communities along Highway 99. In addition to the planned HST stations in downtown Fresno and Merced, these improvements can be used as part of the HSRA's strategy to catalyze infill and redevelopment projects in depressed or blighted commercial and residential areas, to promote higher density development and to stimulate local investment in these communities. These benefits of a continuous UPRR / SR 99 alignment could be expressly incorporated as part of the HSRA's proposed mitigation strategy to encourage infill and higher densities and, thus, avoid and mitigate potential adverse direct, indirect, and cumulative growth inducing impacts of the HSTP, including potential urban and rural sprawl and indirect farmland conversion effects of the project. By leveraging HST works and expenditures with available local, state, and federal dollars for transportation infrastructure, a UPRR / SR 99 alignment could transform the existing urban centers along the Highway 99 corridor, making these communities more attractive places to live, work, and invest. This would have the salubrious effect of counteracting historic trends of high unemployment, poverty, and low density development and rural sprawl in the Valley, as people move farther and farther away from the established urban centers. In contrast, the many overpasses, underpasses, and other road improvements required along a BNSF and Hybrid alignment through predominantly rural areas will require significant expense and engineering prowess—but will achieve *none* of these potential synergies or social and environmental benefits. Thus, from the standpoint of these avoided direct, indirect, and cumulative growth inducing, agricultural, and land use impacts as well, it appears that, once again, a continuous UPRR / SR 99 is the environmentally superior, preferred alternative for the Merced-Fresno alignment.
- An UPRR / SR 99 alignment located entirely within the Highway 99 corridor has the added advantage that it will afford the HSRA and the FRA more options as to the final selection and location of a proposed Merced-Fresno Heavy Maintenance Facility ("HMF"). Selection of an HMF along the Highway 99 corridor, either within or in close proximity to one of the affected communities along that alignment, could compensate some of the adverse land use impacts of a UPRR / SR 99 alignment through these same communities. Specifically, an HMF along the UPRR / SR 99 corridor would generate employment, local tax revenues, and associated economic activity. Thus, an HMF along the UPRR / SR 99 alignment could provide yet another important component of a robust infill, redevelopment, and compact growth strategy by local governments, in coordination with the HSRA and the FRA, to address the project's potential direct, indirect, and cumulative growth-inducing impacts. In addition, a HMF site along the Highway 99

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corridor could serve as an effective means to mitigate some of the environmental justice impacts of the project on low-income and minority populations, whether from lost agricultural jobs or potential displacement. In contrast, an HMF along the BNSF alignment would be quite distant from any of the urban centers in the area, providing diminished economic benefits to any of these communities, while at the same time promoting potential leapfrog development in what is otherwise an entirely rural setting.

- To the extent it provides a much more direct path of travel, an UPRR / SR 99 alignment is also more conducive and amenable to meeting the HSTP's mandated objectives in terms of speed and safety. Whereas a continuous UPRR / SR 99 with appropriate elevations through the urban areas would provide a direct path of travel from one city to the next, the BNSF, Hybrid, and UPRR / SR 99 Bypass options are characterized by inefficient and inelegant twists and turns, in many places slashing across roads and fields in what is now virgin farmland. Aesthetic concerns aside, however, the more significant issue with these alignments relates to safety and mandated travel times. A HST located along a continuous UPRR / SR 99 alignment could travel more safely, at a faster and more constant rate of speed between one urban destination and another. This would improve the HST's efficiency, its reliability and, more than likely, its ridership.

One issue related to a UPRR / SR 99 alignment deals with the apparent concerns of the UPRR that a shared right-of-way could interfere with the UPRR's plans for future expansion of its rail lines and its commercial service in the Valley to predominantly agricultural customers. Given that a HSTP alignment along Highway 99 would follow and potentially share the UPRR's right-of-way, this is a significant concern. However, the Merced-Fresno EIR/EIS does *not* conclude, and we doubt that this concern is, in fact, one that is insurmountable. Recognizing the UPRR's concerns, therefore, we would encourage the HSRA to work with the UPRR to identify potential conflicts and workable political, financial, institutional, planning and engineering solutions to those conflicts. To be sure, as outlined herein, the many significant environmental advantages of a continuous UPRR / SR 99 alignment north of Fresno argue strongly in favor of a solution that seeks ways to address the UPRR's concerns, allowing for a shared alignment along the 99 corridor, that avoids any unacceptable impacts to the UPRR.

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2. Consistent With HST Voter Intent, Mandates, Policies and Objectives, And Local Concerns, The Highway 152 Wye Alignment Should Be Considered And Designated As The Preferred Alternatives Over The Avenue 21 And Avenue 24 Alignments

CFBF submits that the Highway 152 east-west alignment for the Wye linkage between the proposed Merced-Fresno and Bay Area sections of the HST is the preferred alternative the HSRA and the FRA should select in their Final EIR/EIS, consistent with the voter intent, mandates, policies and objectives requiring that the HST alignment utilize existing transportation and utility corridors and rights of way and avoid and minimize impacts to natural and

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agricultural resources to the maximum extent possible. In contrast, the proposed Avenue 21 and 24 Wye alignments are inconsistent with HST voter intent, mandates, and objectives concerning farmland, natural resources, existing corridors and existing rights of way and, therefore, should be abandoned. For the same reasons, CFBF likewise opposes the proposed Chowchilla Bypass route and split around the City of Chowchilla, along the proposed alignment for the proposed Avenue 21 Wye. Instead, to achieve maximum consistency with the HST mandates concerning farmland, natural resources, and existing corridors and rights of way, a turnout for a new Highway 152 alignment should be configured as a simple "V," similar to the proposed alignment for the Avenue 24 Wye off the UPRR / SR 99 north-south alignment, but just north of Avenue 24, along Highway 152.

The Merced-Fresno Draft EIR/EIS indicates that the Avenue 21 and 24 Wyes depicted and preliminarily considered in that document will be fully considered in a next-tier EIR/EIS for the Bay Area to Central Valley segment of the HSTP. However, even preliminary or partial consideration of the Avenue 21 and 24 alignments in the Merced-Fresno Draft EIR/EIS is significant (and potentially prejudicial) in that either alignment implies a different set of impacts along two distinct routes. Furthermore, even a preliminary set of potential assumptions concerning the specific path and location of either Wye proposal has definite implications for the selection of a north-south alignment, including the HSRA's potential selection of the Chowchilla Bypass. For these same reasons, it also significant that the Draft EIR/EIS *does not* include or consider (even preliminarily) a Highway 152 alternative to the proposed Avenue 21 and Avenue 24 alignments, including the proposed Chowchilla Bypass. Indeed, it appears that the failure to consider a Highway 152 alternative in the Merced-Fresno EIR/EIS may constitute illegal piecemealing of the project under CEQA.

The Highway 152 alignment has the overwhelming backing and support of the local agricultural communities, both north and south of the Merced-Madera county line, as well as the express endorsement of the Madera County Board of Supervisors. Whereas, the Avenue 21 and Avenue 24 alignments would impact a complex web of irrigation and water distribution systems, including the canals and ditches of at least one major irrigation district, a Highway 152 alignment would have no such impacts. Unlike the Avenue 21 and 24 alignments, a Highway 152 alignment would follow a major regional transportation corridor (State Highway 152). Unlike the Avenue 21 proposal, a Highway 152 alignment would not require a Chowchilla Bypass or east-west split, or result in impacts to a large additional number of affected farm operations, and a substantially larger acreage of productive farmland. Highway 152 has been slated by CalTrans for major improvements in the near future, such that a Highway 152 alignment for the Wye might be conveniently coordinated with CalTrans improvement plans for Highway 152. Furthermore, as with a continuous north-south UPRR / SR 99 alignment, a Highway 152 alignment would have advantages the Avenue 21 and 24 alignments lack, in that it would require fewer curved and diagonal cuts across impacted agricultural parcels, while avoiding the impacts of the Avenue 21 and 24 alignments to numerous farm properties that are

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not currently adjacent to any major road or planned expansion of the existing transportation infrastructure.

In addition to these concerns associated with Avenue 21 and 24 alignments, as with other proposed alignments that stray from existing corridors and rights-of-way into adjacent farmland, not only are agricultural resources and local agricultural operations more negatively impacted the farther an alignment encroaches into these predominantly rural, agricultural, and open space areas, but in these same areas the probability and actual occurrence of impacts to sensitive habitats, wildlife resources, and waters of the United States rises significantly. As these comments emphasize, this is a major environmental concern, not only for the BNSF, Hybrid, UPRR / SR 99 Bypass, and Avenue 21 and 24 alignments north of Fresno, but also for essentially *any* of the Fresno-Bakersfield alignments through agricultural areas and outside of existing corridors and rights-of-way.

Accordingly, as described, there are many compelling reasons the HRSA's and the FRA's east-west alignment for the Bay Area to Central Valley linkage should specifically eschew the Avenue 21 and 24 alignments, including the proposed Chowchilla Bypass, and why the HRSA and the FRA should instead select the more environmentally sensitive and policy and objective-consistent Highway 152 alignment.

C. Proposed Alternatives For The Fresno-Bakersfield Section

1. Farmland Conversion and Other Significant Issues Remain Outstanding With Respect To The Proposed East and West Hanford Bypass Options Along The Fresno-Bakersfield Western Alignment

In light of the late (October 6th, 2011) announcement that a revised and recirculated EIR/EIS will consider a West Hanford Bypass alignment in addition to the proposed East Hanford Bypass option in Kings County, CFBF at this time reserves any detailed comment on this portion of the Fresno-Bakersfield Western Alignment until the HSRA releases the HSTP's West Hanford alternative to the proposed East Hanford alignment. Generally, however, we would note that the impacts to agricultural lands and businesses along either alignment would appear to be significant and unacceptable.

2. Consistent With HST Voter Intent, Mandates, Policies And Objectives, And Local Concerns, An All-BNSF Alignment Through Kern and Tulare Counties Should Be Designated The Preferred Western Alignment South Of Fresno Over The Proposed Wasco-Shafter and Allensworth Bypass Alignments

Like the BNSF, the Hybrid, the proposed Chowchilla Bypass, and the Avenue 21 and 24 Wye Alignments *north* of Fresno, CFBF submits that the proposed Wasco-Shafter and

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Allensworth Bypass options, along the Western Alignment of the Fresno-Bakersfield section of the HSTP in the Counties of Kern and Tulare, are fundamentally inconsistent with the HST mandates to avoid impacts to natural and agricultural resources, and to locate HST alignments within existing transportation corridors and rights-of-way. In general terms at least, the reasons for this are similar to what is discussed above in relation to the various Fresno-Merced alignments that deviate from the UPRR / SR 99 corridor. Thus, these reasons include, with limitation, impacts to agricultural lands and operations in areas currently located outside existing transportation or utility corridors or rights-of-way; diagonal and curving cuts across fields and farm structures; impacts to rural roads and property access points; impacts to irrigation systems and water infrastructure, including canals, ditches, and deep wells; in addition to and numerous other disruptions to existing agricultural lands and activities.

3. The Fresno-Bakersfield Draft EIR/EIS Fails To Consider A Reasonable Range Of Alternatives By Failing To Fully Analyze a UPRR / SR 99 Alignment

Perhaps the most serious omission of the Fresno-Bakersfield Draft EIR/EIS, in terms of its consideration of alternatives, is the failure to consider a UPRR / SR 99 alignment to the east, in addition to the eastern BNSF alternative and sub-alternatives presently considered. While the Draft EIR/EIS includes some general discussion of the HSRA's elimination of a number of potential alternatives along or around the Highway 99 Corridor, and while the Draft EIR/EIS references a 2007 Visalia-Tulare-Hanford Station Feasibility Study supposedly documenting and explaining that process, the 2007 Study in fact provides only the vaguest of explanations why a UPRR / SR 99 alternative *south* of Fresno was eliminated. Thus, some of the main concerns cited include potential community impacts, cost and right-of-way issues. Objectively, however, as discussed with respect to the Merced-Fresno section of the HSTP above, all of these concerns are present in some degree along the Fresno-Merced HSTP alignment to the north—yet the Fresno-Merced EIR/EIS considers a UPRR / SR 99 alternative. As with the Merced-Fresno UPRR / SR 99 alignment to the north, therefore, it would appear that there are various reasons a UPRR / SR 99 alternative should at least be considered in the Fresno-Bakersfield EIR/EIS, just as a UPRR / SR 99 alternative is considered in the Merced-Fresno Draft EIR/EIS.

From an agricultural resources standpoint, for example, the differences between the BNSF alignment and a UPRR / SR 99 alignment from Fresno to Bakersfield largely parallel the differences between the BNSF and UPRR / SR 99 alignments from Merced to Fresno. Thus, it is generally true that the more winding and circuitous BNSF (with or without its multiple proposed bypasses along the country two-lane Highway 43) would tend to impact mostly farmland, in mostly undeveloped and sparsely populated or unpopulated areas. In contrast, while it too crosses through major agricultural areas in Kern, Tulare, and Fresno Counties, the heavily travelled and generally straight, four-lane UPRR / SR 99 corridor *itself* is much more heavily built up than Highway 43 to the west, even south of Fresno. In terms of the HSTP's objective to reduce impacts to natural and agricultural areas, therefore, it would appear that the impact of a

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UPRR / SR 99 corridor alignment *south* of Fresno would be significant, and yet generally less severe than a BNSF alignment to west.

In addition, there are other differences between the UPRR / SR 99 and BSNF alignments south of Fresno: Along the BNSF alignment, for example, a potential HSTP Kings-Hanford Station along the proposed East Hanford Bypass would lie a considerable distance *outside* the City of Hanford (population 41,686), and perhaps 15 miles from the major regional population center of Visalia to the east (or, alternately, along a hypothetical West Hanford alignment, somewhere midway between Hanford (population 41,686) and Lemoore (population 19,712)). In contrast, the formerly proposed Visalia-Goshen-Tulare area HSTP station would abut the community of Goshen (population 2,394) just outside Visalia, in much closer proximity to the neighboring cities of Visalia (population 93,959) and Tulare (population 43,994). Thus, on this basis, it would appear that the Proposition 1A objectives to “plan and construct [the HSTP] in a manner that minimizes urban sprawl,” and to locate stations “in areas with good access to local mass transit and other modes of transportation” are potentially better met along a Fresno-Bakersfield UPRR / SR 99 alignment, than along the BNSF.

Finally, to highlight just one more difference, whereas the City of Hanford along the BNSF right-of-way has expressed grave concerns regarding the impact of an HSTP on that community, the City of Visalia was enthusiastically in favor of a Visalia HSTP stop before the HSRA inexplicably and improperly screened the UPRR / SR 99 alignment out. At the very least, therefore, it would appear that the UPRR / SR 99 is a reasonable alternative that the Fresno-Bakersfield EIR/EIS should at least consider. Indeed, from a strictly legal perspective, without at least one alternative to which the Western BNSF Alignment may be compared, it appears quite likely that the current Draft EIR/EIS lacks a reasonable range of alternatives.

III. Impacts Analysis under CEQA and NEPA

A. Impacts to Agricultural Resources

1. Direct Impacts to Agricultural Resources

Whatever the alignment the HSRA and the FRA selects, both the Merced-Fresno and the Fresno-Bakersfield Draft EIR/EIS's treatment of direct impacts to agricultural resources is inadequate in several respects. This is so, in part, because of the overly compartmentalized manner in which impacts to *agricultural lands* are treated separately from *social and economic* impacts associated with these lands, and also the manner in which the Draft EIR/EISs treat *direct* impacts, separately from potential *indirect* and *cumulative* impacts. In some degree, this is an awkward characteristic and the inevitable dilemma of any EIR/EIS, due to the way CEQA and NEPA treat impacts to the *physical environment* separately from *social and economic* impacts and, also, the way CEQA and NEPA treat *direct* impacts as a category separate from *indirect* and *cumulative* impacts. However, to provide a full picture of the full range of impacts associated with a project, a skillfully prepared and thorough EIR/EIS *can* and *should* endeavor to bridge

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these gaps through proper integration of the Draft EIR/EIS's analyses of physical and environmental impacts in relation to its discussion of related social and economic impacts. Similarly, an EIR/EIS that fulfills its purpose to inform the public must take a view of a project's potential impacts that extends beyond the *direct* impacts of the project to the full universe of less obvious, but no less probable and foreseeable, potential *indirect* and *cumulative* impacts consequences of the project.

Having carefully reviewed the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs, we cannot avoid a conclusion that both documents fail to fulfill these basic purposes of an EIR/EIS. The net result of this failure is, we believe, an environmental analysis that significantly *understates* the potential impact of the proposed project. Where the impacts of a major infrastructure project of this kind are understated, the risk is of course that the potential severity of a project's impacts may be overlooked and too easily dismissed—and, having been dismissed, that the erroneous conclusions thus reached will lead the public to a false understanding, not only of a project's true environmental, social, and economic consequences, but also of the societal trade-offs in play.

Because the Merced-Fresno and Fresno-Bakersfield EIR/EISs fails to view the physical impacts of the project on agricultural land properly within the context of the full range of the project's related social and economic impacts, the analysis fails to faithfully capture the *combined* impact of the two classes of impacts together. Similarly, while the Draft EIR/EISs provide an initial estimate of the physical locations and acreages of the agricultural lands which may be *directly* impacted (either temporarily during construction, or permanently as result of the project footprint), the Draft EIR/EISs' assumptions as to the full range of potential impacts to these lands and their present and future uses, including the potential indirect and cumulative growth-inducing effects of the project, are cursory and unrealistic at best, and reckless at worst.

Significant impacts to agricultural resources cannot be limited to direct impacts caused by the footprint of the Project. Rather, such impacts also include indirect and cumulative impacts, in addition to direct costs imposed on the agricultural community.

2. Impacts Unique to Dairies, Poultry and Livestock Operations

Given the extensive regulatory requirements involved, financial investment required, and the biological nature of food production animals, a dairy cannot close easily and simply re-establish in a new location. Complete facility relocation requires at least four major permits that can take up to two years or more each to obtain, at costs exceeding tens of thousands of dollars in consulting and permitting fees. Moreover, dairy cattle cannot be put in “storage” on some other facility during the interim between when the original facility closes and the new one opens. (Existing facilities have a maximum number of cows allowed on them, as defined in 2005). Selling or slaughtering an entire herd of thousands of animals obliterates a dairy's gene pool

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built on generations of careful animal breeding, the true cost to the farmer being impossible to quantify.

A major additional challenge to a dairy farmer being forced to relocate will be the availability of suitable land for purchase. For example, an individual would not want to build a dairy in a 100-year storm area. A location closer to, versus farther from the milk processing plant is beneficial. Depth to water (groundwater) and the availability irrigation district water, as well, are important considerations at a new site. Furthermore, soil type is important for growing high yields of livestock feed.

Assuming that suitable and sufficient dairy land is even available for purchase, basic permits for a new facility include:

1. County Use Permit (CUP) (including various building permits for all structural items such as barns and manure storage ponds). It requires compliance with CEQA;
2. Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements (WDR) Permit, which requires the creation of a site-specific Nutrient Management Plan, Waste Management Plan, and Ground Water Monitoring Well Plan;
3. San Joaquin Valley Air Pollution Control District (SJVAPCD) Permit to Operate, which requires compliance with Rule 4570 (the volatile organic compound reduction rule) and Rule 4550 (the PM 10 reduction plan) as well as various other rules depending on the size for generators, gas tanks, chemicals on site, and the like; and,
4. California Department of Food and Agriculture Grade A Permit under the Pasteurized Milk Ordinance, which is mandatory to produce and sell milk in-state and in interstate commerce.

A WDR and Air Pollution Control District Permit to Operate will not be granted in the absence of an approved CUP and CEQA document, and neither of the issuing regulating agencies for these permits will currently take the lead in addressing CEQA for such a project (the time and cost of which varies by county, but which would be substantial in any location).

For illustration purposes, one California dairy that relocated to the Central Valley incurred construction costs of \$15 million (\$5,000/head milking) during the six years it took to permit and construct the facility to begin production in 2005. (For comparison, the average size California dairy in 2010 milked nearly 1,100 cows.) The EIR and new permitting effort cost an additional \$1,000,000. Because there is no "grandfather" clause in this regulatory environment, a relocated dairy is treated as a new facility, and thus subject to the associated more stringent and expensive regulatory requirements (new ponds need to be a double liner leachate collection system).

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Any dairy whose cropland the HSTP impacts will need to modify its Nutrient Management Plan. If the reduction in cropland reduces the farm's available land such that it cannot meet the 1.4 nitrogen balance required within the WDR, the dairy will be forced to drop cow numbers until it can show that balance can be reached.

Typically shortfalls in directly associated farmland are met through offsite transport of manure (either to owned, rented, or other agreement land). An additional challenge in the system can be the manure collection method: If the bulk of the manure is collected using flush lanes and storage ponds, the dairy is limited to the available acreage that the liquid manure can be distributed on. In some cases, manure collection must be changed to scrape rather than flush. Related costs can range from investment in additional tractors and/or implements used for scraping (and additional employee time) to installing a fully-automated scrape system.

Also, depending on the impacted land's location in proximity to the remainder of the dairy's cropland, pipeline distribution systems and tail water return systems may be impacted creating the need for retrofitting of the system. This, then, provides another illustration of how a dairy is a complete, interworking "system"—and impacts made to one area/branch of the system cause impacts to other parts of the system.

To install or modify a waste water pond requires an approved, engineered pond construction plan. A certified engineer has to put forth a proposal that the RWQCB staff has to approve. Several "sign-offs" are required by the project engineer along the way. Often ponds in the Central Valley require the importation of clay or other liner material. Monitoring wells are also required. Few pond installations have been done in recent years because of the onerous process and associated requirements.

To illustrate the cost and time involved in modifying an existing Central Valley dairy, one farmer recently paid \$60,000 for EIR/CEQA documents for the engineer's work only; this did not include any permit fees.

For another dairy to expand an existing pond, the engineer's assessment cost \$10,000 for the construction plans; the RWQCB then took 13 months to approve it. The farmer is currently working with the county for project approval that is expected to take at least another six months. Only after all this is complete can construction changes to the pond begin.

The base cost for a nutrient management plan or a waste management plan is \$12,000, and additional costs are incurred if the plan has to be amended upon RWQCB review.

3. Indirect Impacts to Agricultural Resources

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d) Regional Growth

Various portions of both the Merced-Fresno and Fresno-Bakersfield Draft EIR/EIS consider the potential growth-inducing impacts of the HSTP. Thus, in particular, the Regional Growth, Land Use, and Cumulative Impacts chapters of both documents include discussion of this topic. In addition, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs' analyses, CEQA-NEPA findings, mitigation measures and the like, with respect to the potential growth-including of the project, rely to a large extent on the conclusions and assumption of previous analyses of these topics in the HSRA's and FRA's statewide programmatic EIR/EIS, and in a July 2003 and July 2007 Economic Growth Effects studies by Cambridge Systematics, Inc. Thus, as presented in the HSRA's and the FRA's analyses to date, the general analysis concerning the HSTP's potential growth inducing impacts proceeds accordingly:

- Construction of the HSTP will result in only marginal growth in the Central Valley relative to the No Project Alternative;
- Local land use policies and plans favor high-density growth and infill and discourage sprawl and future growth in the Central Valley is likely to embody and exemplify the intent of these policies;
- With rapid, inexpensive access to the Bay Area, Southern California, and other population and economic centers in California, there will be no significant displacement of population from these areas to the Central Valley;
- Building the HSTP will support and catalyze more compact patterns of development, through a transportation-orient-development strategy for the Central Valley, of which HSTP is the centerpiece;
- Potential growth with the HSTP will not consume any more land than the maximum extent of what is already provided for in existing general plans and spheres of influence;
- Coordination and shared goals of the HSTP and city and county governments in terms of compact growth and infill will ensure more efficient and compact patterns of development through the Central Valley;
- By ensuring more compact patterns of growth and discouraging urban and rural sprawl, local land use decisions and the HSTP will not result in premature conversion of Central Valley farmland—and will in fact result in conservation of a low estimate of at least 30,000 acres *less* farmland than would be otherwise consumed under the No Project Alternative statewide.

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While these assumptions present one possible scenario, however, they present *just one scenario*. Furthermore, they present a scenario that leads to the conclusion, reached in the Draft EIR/EISs, that any potential growth-inducing impacts of the HSTP (whether direct, indirect, or cumulative) are, in fact, insignificant. Despite the HSRA's confidence in the certainty of its assumptions concerning growth, however, we cannot help but question the validity of this single-variable, single-outcome approach to the project's potential growth inducing impacts. In reality, we would submit that the future trajectory of growth in the Valley with a future HSTP is anything but certain. For example, it is not difficult to imagine quite a different scenario than that selected by the HSRA and the FRA in their EIR/EIS based, not unreasonably or implausibly, on a very different set of assumptions, along the following lines:

- A HSTP connecting the main population centers in the San Joaquin Valley to the Bay Area, South California, and other parts of the Central Valley will enable people currently residing in the state's expensive and over-crowded coastal areas to reach cheaper housing in now remote areas of the Valley, while still working within an hour to two hour's commute to these same coastal areas. Thus, the HSTP will turn now distant Central Valley communities into readily-accessible bedroom communities of the Bay Area and Southern California.
- Consistent with past historical patterns of growth in the Valley, local policies and visions of more efficient growth will fail to materialize and, instead, growth in Central Valley will continue to follow a pattern of less dense urban and rural sprawl, accelerated and exacerbated by the increased accessibility of the Valley via a new statewide 220-mile-an-hour high-speed train network connecting the state's major coastal population centers to the now remote San Joaquin Valley.
- The HSTP's "transportation-oriented-development" strategy, potential infill and increased economic investment and activity in the downtown areas around planned HSTP stations in Fresno and Merced and will *not* translate into more compact patterns of regional growth outside of the immediate neighborhood around these new HSTP stations. Furthermore, the relative wealth of cheap, flat land in the Valley, constrained only by the present uses of surrounding farmland, *will continue to feed a pattern of low-density urban, suburban, and rural sprawl*.
- Presently projected and potential new growth associated with construction of the HSTP will *not* result in a net 30,000-acre *reduction* in projected farmland loss, but rather in a net *increase* of this amount, if not significantly more.

An alternate scenario of this sort is, we think, not incredible unduly pessimistic. For example, the Regional Growth chapter of the Merced-Fresno Draft EIR/EIS notes that "the [July 2007 Cambridge Systems, Inc. economic growth study of the Bay Area to Central Valley HSTP] found that the overflow of people from urban coastal areas seeking affordable housing within

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commuting range of major metropolitan areas drives the high growth projections for these San Joaquin Valley counties.”⁶⁸ If is accurate, then it would seem logical to conclude that bringing “affordable housing” in the San Joaquin Valley much more dramatically “within commuting range of [the major coastal metropolitan areas]” may dramatically increase the rate of inland migration to the San Joaquin Valley. Why, for example, would we assume that California’s experience, and that of the San Joaquin Valley will be significantly different than the experience of Japan, where the *Shinkansen* high-speed rail system “dispersed growth from existing (pre-train) centers to sub-centers where access points (stations and expressways) were located,” and where “these high access points attracted indigenous growth within local areas which complement and accentuate these new growth sub-centers.”⁶⁹ Or why not assume that it will not happen in Central Valley communities like Merced and Fresno, as it did in the City of Nantes “two hours outside Paris by high-speed train,” where French firms were found to be “much more likely to relocate to the peripheral city as a result of the easy access to Paris.”⁷⁰ Indeed, it is difficult to understand why neither the Merced-Fresno, nor Fresno-Bakersfield Draft EIR/EIS considers or addresses *any* of the following, very reasonable propositions included in a September 2008 paper commissioned by the HSRA on “The Economic Impact of the California High-Speed Rail in the Sacramento/Central Valley Area” that:

- “The Central Valley’s population will grow dramatically over the next 20 years....”⁷¹
- “[W]ith improved access some people may come to see Central Valley cities as ‘bedroom communities’ to major metropolitan labor markets or reduced transportation costs could induce employers to move to the Central Valley for its reduced costs of operation.”⁷²
- The “HSR may cause population across the state to increase because of business expansion into the state or expansion of businesses already operating within the state.”⁷³
- The “HSR may cause disparate population growth rates across regions as businesses or residents find it feasible [...] to reallocate to lower-cost more readily accessible areas of the state.”⁷⁴
- “[C]reating more efficient transportation access to the heart of the Central Valley region, which tends to be inaccessible to major metropolitan areas because of the cost of travel, would have a disproportionately positive employment impact from HSR.”⁷⁵

⁶⁸ Merced-Fresno Draft EIR/EIS at 3.18-7.

⁶⁹ See Kantor, “The Economic Impact of the California High-Speed Rail in the Sacramento/Central Valley Area,” September 2008 at 16.

⁷⁰ See *id.* at 21.

⁷¹ *Id.* at 13.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

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- “[T]he Central Valley and Southern San Joaquin Valley will experience explosive growth in the service sector, which will be significantly amplified as a result of HSR.”⁷⁶
- “[R]educed travel times and costs enable consumers to access more distant markets, enable producers to deliver products to their consumers at lower cost, enable workers to access more distant labor markets, or enable employers to tap into a wider labor pool themselves.”
- “[T]he reduction in transportation costs that HSR facilitates enables the economic hub to expand so that a wider geographic region becomes integrated.”⁷⁷
- “Bay Area [and Southern California] firms [may] relocate to the Central Valley to benefit from lower property/rental costs and a cheaper labor force.”⁷⁸
- “[L]ower transportation and transaction costs will encourage new businesses to locate in the Central Valley where favorable costs and public policies can encourage business development.”⁷⁹

In fact, while they do not, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs (and the Cambridge Systems, Inc. economic growth studies they rely on) might more seriously and explicitly have considered these and other perfectly credible alternative assumptions on growth in the Central Valley. Instead, all of the HSTP growth analyses to date reach the unvarying conclusion that the HSTP generally *will not* cause significant new growth, sprawl, or additional conversion of Central Valley farmland over and above the No Project alternative. Central to this conclusion, however, is the liberal (and wholly unsupported) assumption that local land use decisions in the Valley will inevitably and unquestionably trend toward infill and high-density development.

In a discussion of “Key Assumptions,” however, the same 2008 Cambridge Systematics, Inc. economic growth study that is relied upon in the regional growth chapters of both Draft EIR/EISs observes that “[s]everal assumptions are embedded in the employment and residential land requirements forecasting procedures and their components.”⁸⁰ In particular, the study describes one of its key assumptions as follows:

⁷⁵ *Id.* at 16.

⁷⁶ *Id.* at 18-19.

⁷⁷ *Id.* at 21.

⁷⁸ *Id.* at 22.

⁷⁹ *Id.* at 32.

⁸⁰ Cambridge Systematics, Inc., “Economic Growth Effects Analysis for the Bay Area to Central Valley Program-Level Environmental Impact Report and Tier 1 Environmental Impact Statement” at F-4 through F-5. (Note: This study is also relied upon the Merced-Fresno and Fresno-Bakersfield EIR/EISs.)

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Average infill rates and population densities will increase with additional development. It is an axiom of economics that scarce resources are used more intensely than plentiful ones. Following this logic, as available supplies of developable land are used up, developers seek ways to use remaining land more intensely, either by increasing densities or through redevelopment. Thus, both development densities and infill activity should increase with population growth.⁸¹

Hidden within this “key assumption,” however, is another “key assumption,” as acknowledged in the study itself:

Counteracting this tendency [that is, the tendency that “both development densities and infill activity should increase with population growth”] is the desire of many residents to preserve a rural or suburban lifestyle. Thus, there are many parts of California where infill activity and development densities are below what theory suggests they should be.⁸²

The study continues,

For the purposes of analyzing all alternatives, it is assumed that future infill activity and development densities will continue to increase. *To the extent that they do not, additional sites will be needed to accommodate projected population growth.*⁸³

Thus, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs’ conclusions that the HSTP will have no significant growth inducing impacts is based on a truncated analysis of *just one* (and, notably, the most optimistic) potential scenario. The conclusion that the project will have no significant growth inducing impacts then leads to the conclusion that there is no need to design and select alternatives, or to identify mitigation measures to avoid, minimize, and mitigate the potential growth inducing impacts of the project either. In an area of such significant uncertainty, however, a proper analysis should have considered not just the *most favorable* potential growth scenario for the project, but also the potential for a range of potential scenarios, including the *worst case* growth scenario for Central Valley growth, urban and rural sprawl, and resulting farmland conversion. Neither EIR/EIS addresses the potential for such alternative scenarios—and, thus, both of the EIR/EIS analyses’ of potential growth inducing impacts, including indirect and cumulative impacts to agricultural resources, are fundamentally flawed.

e) Water Supply Impacts

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Id.* at F-5.

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Both the Merced-Fresno and the Fresno-Bakersfield EIR/EIS ignore two potentially significant project impacts on regional water supplies. The first relates to the issues of potential growth inducement and population growth in the event the EIR/EIS single-sided projections of modest long-term population growth, infill, and increasingly compact development are instead replaced by long-term patterns of significant additional population growth and continued urban, suburban, and rural sprawl. Specifically, in the latter scenario, the EIR/EIS fails to consider the potential for growing urban areas to enter increasingly into direct competition for available water supplies with existing agricultural users. Given the extreme volatility of imported water supplies in recent years, due to both severe regulatory constraints on exports from the Sacramento-San Joaquin Delta and the natural drought cycle, it is quite possible that such competition, during droughts and regulatory cutbacks, could become quite severe. In such a scenario, to the extent municipal and industrial users are given general priority over agricultural users, it is quite possible that the water needs of growing Central Valley cities could displace or preclude deliveries to agricultural users. This could, in turn, result in potential massive losses of permanent crops, as well as temporary and permanent fallowing of Valley farmland generally and loss of jobs in agriculture.

The second issue relates to deep agricultural wells potentially situated along the path of a future HSTP. In addition to the very high cost and difficulty of permitting and constructing such deep agricultural wells, there is the added risk that impacted agricultural water users who might otherwise rely largely or entirely on groundwater in absence of adequate surface water deliveries during a drought or acute regulatory cutback would, in this scenario, have no access to water. If the lands so impacted were, in turn, planted in a permanent tree or vine crop, the farmer farming those lands might lose his entire investment.

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f) Public Utilities and Energy

The impacts from electricity demand discussed in the Chapter 3.6 of the Merced-Fresno Draft EIR/EIS at page 3.6-45, and of the same chapter in the Fresno-Bakersfield Draft EIR/EIS at 3.6-64, overlook a significant impact to agricultural resources that will likely result from the increase in electricity demand from the project. An estimated 480 MW of increased demand, even if spread throughout the system, will pose significant consequences to agricultural resources resulting from siting requirements for both generation and transmission. California law mandates that 33% of electricity demand be met with renewable generation resources by 2020. Much of the renewable generation proposed and planned in California to meet those needs is solar generation, which requires approximately 8 acres of land for development of a MW of generation. As noted in the September 2011 WECC 10 year Regional Transmission Plan current renewable energy trends are centered on accessing resources close to load.⁸⁴ Significant pressure and interest for development of new solar power generation facilities in California has been focused on land currently used for agriculture. In 2008, the HSRA commissioned a report

⁸⁴ Plan Summary, page 22.

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studying the feasibility of using 100 percent renewable sources of energy for the HST in 2008, including a 100 percent solar scenario.⁸⁵ Thereafter, on September 3, 2008, the HSRA adopted a formal policy, committing “to power the train with clean renewable energy, making it the first true zero-emission train in the world.”⁸⁶ Thus, at 8 acres per MW, if all 480 MW for the HSTP were met through new solar power generation, the increase in electricity generation needed to meet HSTP demand could convert as many 3,840 acres of productive agricultural land *more* than the Draft EIR/EISs currently assume. Furthermore, any necessary transmission upgrades and extensions to serve the demand and other needs of the HSTP would further impact agricultural resources over and above this amount.⁸⁷

B. Additional Impacts Related to Impacts on Agricultural Resources

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1. Biological Resources

Both the Fresno-Merced and the Fresno-Bakersfield Draft EIR/EISs show that the BNSF alignments north and south of Fresno will impact wildlife and wildlife habitats, including wildlife movement corridors for listed and special status, flightless reptiles, lizards, and mammals (e.g., San Joaquin kit fox, American badger, western spadefoot toad, kangaroo rat, coast horned lizard).⁸⁸ As shown in the Draft EIR/EISs, different alignments would impact different species and habitats differently. In general, however, there are certain comparative distinctions that hold generally true for *all* of the proposed alignments:

First, while as noted, *any* of the proposed alignments of the HSTP would impact species and their habitats in *some* degree, a major and fundamental distinction among alternatives relates to the difference between established, heavily-traveled alignments, including urban and urbanizing areas on one hand, and more limited and less intensively-used existing or entirely new corridors and rights-of-way in predominantly rural areas on the other. For example, from Merced to Fresno, a HSTP alternative following a continuous UPRR / SR 99 alignment would have some marginal impacts on some potential remaining habitats or wildlife species along the Highway 99 corridor; however, these impacts would not greatly add to the deleterious effects of urban encroachment and the existing transportation corridor itself, as a major barrier and an on-going source of potential harmful impacts to wildlife habitats and wildlife movement through or around this portion of the Valley.

⁸⁵ See Navigant Consulting, Inc. Report, presented to the HSRA on September 3, 2008 (“The Use of Renewable Energy Source To Provide Power To California’s High Speed Rail.”)

⁸⁶ See HSRA September 3, 2008 Meeting Minutes at 4 (view on October 11, 2011 at <http://www.cahighspeedrail.ca.gov/assets/0/152/198/9509bcd-f8f9-4030-8aa5-e75b3657b099.pdf>).

⁸⁷ For examples of some of the types of demonstrable impacts from transmission siting see San Diego Gas and Electric Company’s Sunrise Powerlink Project Final EIR/EIS dated October 13, 2008 and Southern California Edison’s San Joaquin Cross Valley Loop Final EIR dated February 2010.

⁸⁸ See, e.g., Merced-Fresno Draft EIR/EIS at 3.7-20 (Figure 3.7-1), 3.7-28 (Figure 3.7-6), 3.7-34 (Figure 3.7-34); Fresno-Bakersfield Draft EIR/EIS at Figures 3.7-1d, 3.7-2, 3.7-4.

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In contrast, a BNSF alignment north of Fresno would cause significant *new* impacts to wildlife species and their habitat, including the creation of significant *new* barriers to wildlife movement. In particular, the northern portion of the Merced-Fresno BNSF alignment would adversely affect not only various sensitive habitats south and north of the Madera-Merced county line, but would also severely impact a series of “modeled wildlife corridors” and designated “essential connectivity areas.”

Similarly, any impacts to wildlife, wildlife habitats, or wildlife movements corridors of a continuous alignment along the existing BNSF right-of-way from Fresno to Bakersfield would occur along what is already an *existing* hazard and barrier to wildlife movement—whereas impacts along the proposed Wasco-Shafter and Allensworth Bypasses, for example, would further fragment existing habitats and movements corridors in entirely *new* ways, outside any existing transportation corridor or right of way.

Ironically, the Allensworth Bypass option was ostensibly designed precisely to *avoid* impacts to the Allensworth Ecological Preserve, along the BNSF right-of-way (and, also, to a historical landmark in that area). Obviously though, erecting an entirely *new* barrier to wildlife movement will more severely and adversely impact wildlife and wildlife movement and connectivity in this area than constructing a HSTP alignment along the existing BNSF right-of-way, albeit within the Preserve. In contrast, an Allensworth Bypass option would presumably require elevated sections, undercrossings, or other features to address impacts to wildlife movement—and, even then, the effect of an entirely *new* barrier to movement and dispersion would remain much more significant than a straight alignment immediately adjacent to the existing BNSF right-of-way.

Beyond this, the Fresno-Bakersfield Draft EIR/EIS generally describes various potential wildlife and habitat impacts along the proposed BNSF and BNSF bypass proposals, but does not consider a UPRR / SR 99 or any other alternatives. Thus, the Fresno-Bakersfield Draft EIR/EIS provides no basis for comparison in terms of the relative biological impacts of a UPRR / SR 99 alternative versus a BNSF or any of the BNSF bypasses proposals.

For the reasons stated, an alignment along UPRR / SR 99 corridor and right-of-way north of Fresno, and within either the BNSF or the UPRR / SR 99 corridor and right-of-way south of Fresno, would be *the* most consistent with the HSTP’s mandate to utilize existing rights-of-way and avoid impacts to natural and agricultural resources to the maximum extent possible. In contrast, a BNSF, Hybrid, or UPRR / SR 99 bypass option north of Fresno (including the Chowchilla Bypass), or a south-of-Fresno BNSF or UPRR / SR 99 alignment with multiple bypasses, would be inconsistent with these goals. From the standpoint of biological resources, therefore, this would make the least impactful of these alternatives along existing corridors and rights of way the “environmentally superior alternative” under CEQA and the “environmentally preferable alternative” under NEPA.

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2. Wetlands and Waters of United States

As shown in the Merced-Fresno Draft EIR/EIS, the Hybrid, Chowchilla Bypass, Wye 24 and 21 options and, particularly, the BNSF alignments tend, proportionately, to impact *more* natural waterbodies, and also to temporarily and permanently disturb larger areas (thus, resulting in proportionately greater risks of water quality degradation), than a continuous UPRR / SR 99 alignment.⁸⁹ For example, the Merced-Fresno UPRR / SR 99 alignment would impact an estimated 20 to 27 natural waterbodies, versus 30 to 37 for the BNSF alignment; 2,370 to 2,484 temporarily disturbed acres, versus 2,717 to 2,995 for the BNSF alignment; and 1,958 to 2,079 acres of permanent footprint, versus 2,400 to 2,557 for the BNSF alignment.⁹⁰ These statistics are apparently reflected in the Army Corps of Engineers' and the Environmental Protection Agency's 2008 early concurrence that the UPRR / SR 99 corridor is likely the "preferred network alternative" and "least environmentally damaging practicable alternative" under the Section 404(b)(1) of the Clean Water Act.⁹¹

To ensure compliance with the Clean Water Act ("CWA"), the HSRA and the FRA must choose those "practicable" alternatives that would have the *least* adverse impact on aquatic systems—here, the UPRR / SR 99 alignment north of Fresno. Furthermore, based on the identified characteristics, a continuous UPRR / SR 99 alignment north of Fresno is likely the "environmentally superior" or "environmentally preferable" alternative under CEQA and NEPA, respectively. Given their legal and regulatory importance, these considerations should weigh heavily in the agencies selection of a preferred alternative north of Fresno.

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IV. Mitigation of Impacts to Agricultural Resources

CEQA requires an EIR to include a reasonable range of alternatives as well as feasible mitigation measures that will lessen the significant impact.⁹² CEQA requires a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts.⁹³ For this reason, "[t]he core of an EIR is the mitigation and alternatives sections."⁹⁴ NEPA requires an EIS to discuss the "means to mitigate adverse environmental impacts."⁹⁵ Further, mitigation measures must be discussed for all impacts, even those that by themselves would not be considered significant.⁹⁶

⁸⁹ See, e.g., Merced-Fresno Draft EIR/EIS at 3.8-24, 3.8-26 (Table 3.8-6), 3.8-28 (Table 3.8-7).

⁹⁰ See Merced-Fresno EIR/EIS at 3.8-24, 3.8-26, 3.8-28, 3.8-29.

⁹¹ See Merced-Fresno EIR/EIS at 6-2 (Section 6.3).

⁹² Pub. Resources Code, § 21002; Cal. Code Regs., tit. 14, § 15002(a)(3); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 ("Sierra Club I").

⁹³ *Ibid.*

⁹⁴ *Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 564.

⁹⁵ 40 C.F.R. 15021.16(h).

⁹⁶ Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg 18026 (March 23, 1981), as amended, 51 Fed. Reg. 15618 (April 25, 1986).

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A. Alternative Selection as Mitigation

Both the Merced-Fresno and the Fresno-Bakersfield Draft EIR/EIS propose 1:1 preservation of comparable farmland, compensation for non-economic remnants, and potential consolidation of economic ones. In addition, both EIR/EISs commit to mitigate road closures and other transportation issues by providing new crossings and to compensate and work with landowners to resolve conflicts, to the extent possible, through a proposed right-of-way acquisition process. Ultimately, however, these mitigation measures are inadequate to address the full range of adverse project impacts on agriculture. This, then, is where it becomes very important to recognize that the best way to "mitigate" an impact is to *not cause* that impact in the first place. For the HSTP, as previously described in great detail, avoiding some of the most severe and far-reaching adverse impacts of the project can be accomplished through deliberate design and selection of a preferred alignment. The first line of the defense in avoiding adverse impacts to agricultural resources is, therefore, to deliberately design and select a preferred project alignment to avoid, minimize, and itself mitigate the severity of the project's adverse impacts on the San Joaquin Valley core agricultural lands.

B. Shortcomings Of The Draft EIR/EISs' Proposed Mitigation Measures With Respect To Agricultural Lands

Both Draft EIR/EISs include mitigation measures for expected losses of important farmland, to preserve comparable farmland in same region where the impact occurs at a 1:1 ratio, to acquire non-economic severed parcels, and to consolidate economic ones with adjacent lands. These are helpful gestures. With respect to 1:1 mitigation on comparable farmland, however, as the Draft EIR/EISs acknowledges, 1:1 preservation does not create *new* farmland to replace converted farmland; it only preserves other farmland from conversion from some other cause. Thus, while 1:1 mitigation is certainly helpful, it is of course preferable to avoid and minimize farmland impacts in the first place, through careful design and selection of those alignments that are least impactful and disruptive to existing agricultural resources and operations in the Valley.⁹⁷

With respect to the remnant consolidation measure, while this concept is generally helpful, and may in some cases help to prevent permanent removal of some severed parcels from agriculture, there remain a number of potential concerns regarding this proposed mitigation measure that have yet to be addressed in either the Fresno-Merced or the Fresno-Bakersfield Draft EIR/EIS.

To name one such concern, there is, first, the issue of crop diversity and specialization in the Valley: Thus, for example, a severed parcel might be uniquely suited to a particular type of crop, the existing infrastructure on that parcel might similarly suited to a particular crop, and the

⁹⁷ See detailed discussion of "Alternatives" above.

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individual or entity that farmed that parcel may have had special expertise and know-how relating to that crop. In contrast, the owners the adjacent parcels with which the severed parcel might be “consolidated” may in fact have their primary experience with a different crop or crops, or some entirely different type of farming; or perhaps the water sources, soils, or other physical characteristics of the severed parcel are such that it would make the parcel incompatible or unsuitable for consolidation with a neighboring operation.

A second concern relates to the potential impact on the market or assessed value of the separate remnant parcels created by a severance, and on the economic viability and profitability of any continuing operation on either parcel (whether by the same owner, or new owner).

A third concern relates to the potential Williamson Act and Farmland Security Zone implications of a severance, where minimum parcel sizes for Williamson Act and FSZ purposes are 10 acres for prime, and 40 acres of non-prime agriculture lands.

To address this special sub-class of impacts to Williamson Act lands and local agricultural preserves, in addition to any other factors relating to economic viability of a severed parcel, the Fresno-Merced and Fresno-Bakersfield Draft EIR/EISs should adopt a policy to pay just compensation for any remnant parcel of prime agricultural land smaller than 10 acres, and on any parcel smaller than 40 acres for non-prime agricultural lands, as defined in the Government Code, as compensation for the loss of that parcel of land to an existing agricultural preserve.⁹⁸

Finally, it is also important that the Draft EIR/EISs identify specific measures for non-economic remnant parcels that *would not* be eligible for consolidation, to ensure that these parcels do not become a source of weeds and other pests and, thus, a nuisance to adjacent property owners.

C. Land Agency Coordination and Local Land Use Planning Incentives as Mitigation

With respect to the Merced-Fresno and Fresno-Bakersfield sections’ potential growth-inducing impacts, as described previously, the Draft EIR/EISs fail in that they advance a single set of unsupported assumptions about the future trajectory of growth to arrive at the fairly incredible conclusion that the project will not only increase growth only very modestly (on the order of 1 to 3 percent), but that the project will in fact greatly benefit the Valley overall, by encouraging more sustainable patterns of compact growth and infill and, thus, *reducing* current estimated of projected future farmland loss by 30,000 acres. This, of course, ignores the obvious potential for an equally plausible, but far less optimistic scenario on future growth, and thus

⁹⁸ With respect to Williamson Act and Farmland Security Zone lands that are the potential subject of an eminent domain proceeding, it should be further noted that the condemnor must comply with the specific policies and procedures described in section 51290 and 51292 of the Government Code.

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leads to the false conclusion that the project’s impact will be necessarily “less than significant,” and will, therefore, require no mitigation.

However, even if one were to accept the proposition that the HSTP, along with sound and responsible local planning, can usher in a wholly unprecedented revolution of green development that will negate any growth-inducing pressure of the project, we submit that the Draft EIR/EISs’ weak and non-specific commitment to “encourage,” “coordinate” and “work cooperatively” with local governments on sustainable land use planning⁹⁹ provides *no assurance* that there is any likelihood whatsoever—much less any certainty—that this is what will, in fact, occur. To remedy this significant weakness, CFBF recommends: (1) that the analyses in the Draft EIR/EISs’ analyses of growth-inducing impacts (i.e., “regional growth”) be revised to include a range of potential growth scenarios, including a plausible worst-case scenario of continued low-density urban, suburban, and rural sprawl; (2) that the Final EIR/EISs identify such a scenario as a potential significant environmental impact requiring mitigation; (3) that the Final EIR/EISs adopt a mitigation measure requiring formal coordination with local governments (as under a detailed MOU or similarly instrument), specific steps including eventual development of a coordinated plan for sustainable growth, and actual implementation of the plan through enforceable measures, so far as possible within legal and constitutional limits; and, otherwise, through potential financial incentives and disincentives, conditional funding, or other appropriate mechanisms; (4) that any coordinated planning between the HSRA, the FRA, and local governments take a regional perspective, considering and addressing larger trends and patterns of regional patterns of growth, and extending well-beyond any mere downtown infill or economic redevelopment strategy focused solely or primarily on the areas immediately surrounding a HST station.

To elaborate somewhat further, it should be self-evident that perfunctory coordination with city governments on limited cosmetic measures around HSTP stations can hardly exert so great or powerful an influence that, as the Draft EIR/EISs asserts, this alone can somehow magically shape, alter, or even significantly influence larger patterns of growth currently observed in the Valley. In reality, of course, only intelligent planning by responsible city and county governments can accomplish this—and, of course, the HSRA cannot force the local governments to do what they do wish to do themselves.¹⁰⁰ Nonetheless, the sheer size and

⁹⁹ See, e.g., Fresno-Bakersfield EIR/EIS at 2-93 through 2-94; Merced-Fresno Draft EIR/EIS at

¹⁰⁰ Specifically, in this regard, it is important to note that CEQA and the California Constitution place express limitations on the extent to which an agency may devise mitigation measures that improperly impinge on the inherent powers of local agencies and governments. Thus, the Article 11, Section 7 of the California Constitution provides that, “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. 11, § 7.) CEQA provides that “a public agency may exercise only those express or implied powers provided by law other than [CEQA].” (Pub. Resources Code, § 21004.)¹⁰⁰ Furthermore, mitigation measures must address only those impacts caused by the project.¹⁰⁰ (Cal. Code Regs., tit. 14 § 15126.4(a)(4) [“Agencies shall not require mitigation measures which provide a generalized public benefit unrelated to those impacts or that would do more than fully mitigate the impacts of the project.”].)

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ambitiousness of the HSTP suggests that the HSRA can have at least some formal influence on the decisionmaking of local governments in the region, consistent with the HSTP's stated goals to address the potential growth inducing impacts of the project and promote sustainable growth and infill, discourage urban and rural sprawl, etc. To the extent the HSRA and the FRA specifically commit to work with local governments to address the issue of potential growth and Valley sprawl, a reasonable reading of CEQA and NEPA would suggest that this commitment should be more than just words on a page. It should be a meaningful one, that can be actually effective in furthering the sustainable land use and farmland preservation goals the HSRA has expressed espoused and touted as a major, potential benefit of the project.

In summary, then, meaningful mitigation of the project's potential significant growth inducing impacts should be made an *express condition* of both the Merced-Fresno and Fresno-Bakersfield EIR/EISs—and, in the absence of such measures, or a legally adequate showing of infeasibility as required by CEQA, neither document should be approved.

D. Compensation

In terms of compensation and mitigation of socioeconomic impacts such as displacement, the Draft EIR/EISs offer essentially three mechanisms: (1) "just compensation" in an eminent domain proceeding; (2) compensation under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Relocation Act" or "Relocation Act"); and (3) less specifically, appropriate compensatory, mitigation, and avoidance measures to be identified in the course of the right-of-way process in the lead up to a condemnation.

While there are established legal processes that govern these transactions, unfortunately all three processes or mechanisms leave many practical issues for affected landowners unaddressed. For agricultural businesses—and, in particular, for dairies, poultry and livestock operations, packing and processing facilities and the like—these issues can be quite significant. The reason for this lies in the difficulty of defining "just compensation" for many intangibles, such as business goodwill, including lost income in the form of an expected return on an operator's long-term investments in his operation, as well as costs of relocation, including (very significantly, in the case of a dairy, poultry or livestock operation) the cost of navigating complicated regulations and obtaining expensive waste management, air, and water quality permits, that are among necessary permits for such an operation. The case is no different (though the costs may be proportionately lower) for a farmer who has invested significantly in irrigation efficiency technology or drainage systems, including tile drains, tailwater return systems, regulating reservoirs, and the like.

There is a major question whether established condemnation and standard valuation procedures can easily or very accurately capture these costs without controversy. Should

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controversy arise (as seems likely), a landowner has no recourse but to contest the matter through costly and time-consuming litigation in court. As for the Uniform Relocation Act, when one begins to examine such concerns, it becomes very quickly apparent that the capped and extremely low compensation amounts offered under this law are quite inadequate.¹⁰¹ Any condemnation proceeding that must be pursued in court will result in lost time and major litigation costs to landowners, even assuming that all or a portion these costs can be recovered. Of greater significance to the HSRA given the project's extremely aggressive timeline is the significant delay *for all parties involved*.

To address these and other concerns relating to uncertainties regarding "just compensation" of affected agricultural businesses, the first and most convenient option is, of course, that the HSRA and FRA design and select alternatives and facilities to avoid, minimize, and mitigate the need for condemnation in the first place. In those instances where this is not possible, CFBF offers the following suggestions, as potential measures the HSRA *can* and *should* adopt as formal avoidance and mitigation measures in the EIR/EISs:

- The HSRA's initial right-of-way and voluntary and required arbitration procedures should be used, to the extent possible, to head off significant conflicts and disputes *before these disputes get to court*.
- The HSRA should establish a process to work with appropriate agricultural interests and organizations to reach at least some preliminary level of agreement as to what types of intangible or goodwill costs should be accounted for and reflected in the eminent domain valuation process for different classes of potentially impacted agricultural operations, including dairies, feedlots, poultry and livestock operations, agricultural packing and process facilities, permanent trees and vines crops, as well as other types of agricultural operations more generally.

V. Additional Considerations

A. Unmitigable and Unavoidable Potential Significant Environmental Impact

Among certain other impacts, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs identify as "unavoidable adverse potentially significant impacts" (that is significant impacts that cannot be reduced to a "less-than significant level" through mitigation) the project's conversions of agricultural land to non-agricultural use, and the project's impacts to biological communities, special-status species, habitat of concern, and wildlife movement corridors.¹⁰¹

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¹⁰¹ See Merced-Fresno Draft EIR/EIS at 6-3; Fresno-Bakersfield Draft EIR/EIS at 6-2 through 6-3.

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Under CEQA, an agency may not “approve or carry out a project” that identifies “one or more significant environmental effects,” without making specific written findings that: (1) “changes or alterations” (i.e., avoidance or minimization through alternatives design and selection and/or mitigation measures) “have been required in, or incorporated into, the project,” which “avoid or substantially lessen” any significant environmental effects identified in the EIR; or (2) that “[s]pecific economic, legal, social, technological, or other considerations” make mitigation measures or project alternatives to lessen a significant environmental impact “infeasible.”¹⁰² CEQA defines a “feasible” alternative or mitigation measure as one that is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”¹⁰³ The agencies’ findings regarding significant environmental impacts and feasible alternatives and mitigation must be “supported by substantial evidence in the record.”¹⁰⁴

Beyond this, prior to certifying an EIR, CEQA requires an agency to “balance [...] the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks.”¹⁰⁵ The CEQA Guidelines provide further that, “[i]f the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”¹⁰⁶ And, finally, in approving a project which will “result in the occurrence of significant effects” that are not “avoided or substantially lessened,” the agency must “state in writing the specific reasons to support its action based on the final EIR and/or other information in the record”—that is, make a “statement of overriding considerations,” and support that statement “by substantial evidence in the record.”¹⁰⁷

From the foregoing it follows that, to make the findings required under CEQA regarding a project’s potential significant effects, an agency’s EIR must first properly identify, evaluate, assess, and analyze a project’s potential significant impacts. Similarly, to make the required findings under CEQA concerning the feasibility or infeasibility of available alternatives and mitigation measures and to support that finding “by substantial evidence in the record,” the agency’s EIR must, again, properly analyze the project’s full extent and nature of the project’s potentially significant environmental impacts. Finally, where one or more environmental effects of a project remain significant and unavoidable, the agency must properly characterize the project’s “economic, legal, social, technological, or other benefits, including potential region-wide and statewide benefits,” in order to weigh those potential benefits against the project’s unavoidable adverse potentially significant impacts.

¹⁰² Cal. Code Regs., tit. 14, § 15091, subd. (a).

¹⁰³ *Id.* at § 15364.

¹⁰⁴ *Id.* at § 15091, subd. (b).

¹⁰⁵ *Id.* at § 15093, subd. (a).

¹⁰⁶ *Id.* at § 15093, subd. (b).

¹⁰⁷ *Ibid.*

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Here, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs describe various potential benefits of HSTP, including reduced congestion on existing roadways, regional and statewide economic benefits, reduced energy consumption and reduced emissions, more compact, urban-centered development, and improved quality of life.¹⁰⁸ In many cases, however, the extent and likelihood of many of the HSTP’s presumed benefits, as described in the Draft EIR/EISs, is highly uncertain, whereas the Draft EIR/EISs fail to discuss or analyze the relative certainty or uncertainty of the assumption that a particular project benefit will in fact occur. This then results in a relatively weak foundation upon which to build in attempting to gauge the precise extent and nature of the assumed benefits of the project, and in attempting to “balance” those benefits against the project’s potentially significant and unavoidable adverse impacts. Moreover, this required “balancing” of project benefits and significant adverse impacts is further compromised where the EIR not only fails to properly characterize the precise nature and extent of a project’s assumed benefits (including any major uncertainties concerning these potential benefits), but also fails to properly analyze the full nature and extent of the project’s potentially significant adverse impacts.

Areas where assumed benefits in the Draft EIR/EISs become especially tenuous and uncertain (to the extent they are analyzed at all) include, for example, the EIR/EISs’ assumptions regarding ridership, human behavior, ticket pricing, macro-economic market forces, profitability, financing, time to completion, feasibility of completion. All of these areas are characterized by great uncertainty; however, all are factors that greatly influence an assessment of the relative benefits (and detriments) of the project. Yet both Draft EIR/EISs’ analyses of the projects’ environmental benefits and impacts consistently present these uncertainties in only the most favorable light, so as to maximize presumed project benefits, while consistently downplaying or dismissing project potential significant adverse impacts.

A major case in point is the Draft EIR/EISs’ analysis of sections of “Travel Demand and Ridership Forecasts” in both documents’ “Alternatives” chapters.¹⁰⁹ In this section, the Draft EIR/EISs explain how high and low ridership scenarios (based on high and low ticket prices relative to airfares), as well as different ridership scenarios at different stages of build-out. Understanding the environmental trade-offs of the HST at different levels of ridership and at different stages of construction between now and 2035 is important, since it shapes a proper understanding of the potential benefits and impacts of the HST based on a proper consideration of the possibility of a variety of potential scenarios. Throughout the rest of both Draft EIR/EISs, however, these important nuances are lost, and instead virtually all of the EIR/EISs’ analyses impacts and potential benefits are viewed through rose-colored glasses of a high-ridership forecast, at full build-out in 2035.

¹⁰⁸ See, generally, Merced-Fresno and Fresno-Bakersfield Draft EIR/EIS “Project Purpose, Need and Objectives” chapters.

¹⁰⁹ See Merced-Fresno Draft EIR/EIS at 2-89 through 2-93; Fresno-Bakersfield Draft EIR/EIS at 2-87 through 2-90.

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This most optimistic assumption then propagates through the rest of the document. Thus, road congestion, air quality benefits and emissions reductions, and socioeconomic and employment benefits are proportionately lower—whereas *neither* EIR/EIS anywhere discloses the less favorable panorama of environmental relative benefits and impacts under an *equally plausible* lower ridership scenario, including lower, phased ridership levels prior to the assumed full build-out date of 2035. Meanwhile, as described elsewhere herein, both Draft EIR/EISs' assumptions and analyses with respect to potential impacts either generously assume the best-case outcome, while ignoring the potential for less favorable conditions, or otherwise completely omit or dismiss large classes of potential direct, indirect, and cumulative impacts on agricultural resources. The result is a systemic and pervasive bias that presents the project's purported benefits of the project in an extremely favorable light, while sweeping the project's adverse impacts under the proverbial carpet. Of course, this not only seriously compromises the basic informational purpose of the EIR and its impacts analyses; it also makes an eventual statement of overriding considerations wholly unsupportable as the Draft EIR/EISs' present evaluation of project and impacts currently stands.

B. Failure To Coordinate With Local Governments and Interests In Designing Selected Alternatives

The Council on Environmental Quality directs federal agencies to conduct joint planning processes, joint environmental research and studies, and joint public hearings with state and local agencies in order to enhance coordination and reduce duplication between NEPA and State and local requirements.¹¹⁰ As stated throughout both Acts, the purposes of CEQA and NEPA are informed governmental decision making through full public participation. Full public participation includes local governmental agencies. To highlight the need for such participation, an Executive Order was issued on August 26, 2004 stating:

The purpose this order is to ensure that [federal agencies] implement laws relating to the environment and natural resources in a manner that promotes *cooperative conservation, with an emphasis on appropriate inclusion of local participation in federal decisionmaking*, in accordance with [the federal agencies'] respective agency missions, policies, and regulations.¹¹¹

NEPA provides:

- “[...] that it is the continuing policy of the Federal Government, *in cooperation with the State and local governments, and other concerned public and private organizations, to use all practical means and measures*, including financial and technical assistance, in a manner calculated to *foster and promote the general welfare, to create and maintain*

¹¹⁰ See 40 C.F.R. § 1506.2 [emphasis added].

¹¹¹ See Executive Order No. 13352, 69 Fed. Reg. 52989 [emphasis added].

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*conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans...*¹¹²

- “[I]t is the *continuing responsibility* of the Federal Government to *use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, actions, programs, and resources [...]*,” to, among other aspirations, “*attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences...*”¹¹³

Of particular relevance to a federal agency design and ultimate selection of a preferred alternative—NEPA provides specific direction as to how potential conflicts with local plans and priorities should be handled in the environmental study. Thus, at 42 USC § 4332(E), the Act mandates that the agency “*study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.*” Moreover, the CEQ guidelines provide that “[a]gencies *shall integrate the NEPA process with other planning at the earliest possible time ... to head off potential conflicts.*”¹¹⁴

706-19

The proposed alignments for both the Merced-Fresno and the Fresno-Bakersfield Draft sections of the HSTP suggest the HSRA and the FRA have made little effort to address the concerns of local governments and local interests, concerning avoidance of impacts to the agricultural resources and agricultural economies of these counties. This is particularly true in the case of Kings County and the proposed BNSF alignment south of Fresno. Although the County of Kings, the City of Hanford, the Kings County Farm Bureau and others have repeatedly and insistently endeavored to alert the HSRA and the FRA to the need to avoid and minimize agricultural impacts, and of the inconsistency of several HSTP alignments with local plans and policies relating to the county's agricultural resources, the alignments considered in the Fresno-Bakersfield Draft EIR/EIS—including the West Hanford alignment just identified on October 6, 2011—evidence little or no concern or effort on the part of the HSRA and the FRA to actually address and resolve these conflicts and concerns to the maximum extent possible. Similar observations might be made with regard to other proposed alignments (notably, for example, the omission of a Wye 152 alignment north of Fresno, and the inclusion of the Chowchilla Bypass and Avenue 21 and 24 Wye alignments). Nowhere, however, it is the problem so obvious as in Kings County, where local concerns and preferences have gone almost wholly unaddressed, either through alternate design of alignments, or consideration of other alternatives in the Draft EIR/EIS.

¹¹² 42 U.S.C. § 4331(a), emphasis added.

¹¹³ *Id.* at subd. (b), emphasis added.

¹¹⁴ 40 C.F.R. § 1501.2.

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This lack of responsiveness to specific concerns of the local governments and elected officials, and of the local constituencies and communities of interest that they represent, is in violation of NEPA and CEQA's express policies concerning public participation, avoidance of impacts of important environmental resources and local economies, and coordination and early resolution of potential conflicts. Thus, as specific cases in point, by failing to design and consider alternatives which might avoid impacts to agricultural resources—or to consider a Highway 152 Wye north of Fresno—the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs fail to fulfill the letter and spirit of the law concerning required coordination with local governments and officials and the local interests these local governments and official represent.

VI. Conclusion

706-20

In conclusion, CFBF thanks the Authority for the brief opportunity to review and comment upon the Draft EIR/EISs for the Merced to Fresno and Fresno to Bakersfield segments of the proposed CHSTS. As expressed previously, it is difficult to adequately analyze these voluminous and simultaneously-released documents within the minimal timeframes established by CEQA and NEPA, given the sheer physical size and scope of this massive public undertaking. CFBF has grave concerns over numerous areas of the Draft EIR/EISs, including basic project descriptors and assumptions, the alternatives analyses, and the impacts to agricultural resources. Many of these concerns are being echoed by an overwhelming number of those individuals and organizations within the San Joaquin Valley whom the CHSTS will irrevocably affect, in some cases changing lives and livelihoods.

The HSRA has been frank that its chief motivation in laying down the track as fast as possible is a perceived window for federal funding. It is outside the scope of this letter to speculate on opportunities for funding, or the legislative possibility of extending "deadlines". What is abundantly clear, however, is that CHSTS will change California forever on a landscape level, and that CEQA and NEPA are concerned with physical impacts on the environment and not the perceived imperatives of the public fisc. Under these statutes, the Authority owes the public a full and accurate accounting of project purpose and need, environmental impacts, and possible alternatives – for review on a timeline that makes such disclosure meaningful. Respectfully, CFBF submits that the Authority has opted for a "slam dunk" environmental review, instead.

CFBF urges the Authority to not only fully consider and meaningfully respond to its comments, above, but to also re-open environmental review of the Draft EIR/EISs for the Merced to Fresno and Fresno to Bakersfield segments of the proposed rail line. It is a small price to pay to shape the legacy of future generations.

Thank you again for the opportunity to comment.

Very truly yours,



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JEF/dkc

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706-1

See MF-Response-GENERAL-7.

706-2

See MF-Response-AGRICULTURE-1.

Section 3.0 of the Final EIR/EIS has been revised to clarify that the determination of significance for NEPA purposes relies upon consideration of context and intensity. Further, the discussion of NEPA significance in each of the impact sections (3.1 through 3.19) has been revised to clarify how context and intensity have been applied to the determinations.

706-3

The Authority and FRA acknowledge that the Farmland Protection Policy Act is a relevant statute. Chapter 3.14 discusses the Farmland Protection Policy Act of 1981 and refers to the implementing guidelines discussed in the comment. As indicated in sections 3.14.2.1 and in 3.14.3, the EIR/EIS utilizes the criteria in the implementing guidelines as part of its methodology for assessing farmland impacts.

See MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-8.

706-4

The Authority and FRA acknowledge that NEPA requires a discussion of how the impacts of the project will affect agricultural land and how it is used, as well as how the project will create economic and social consequences related to agricultural land and land use. Chapter 3.14 discusses how the project will impact agricultural lands directly and indirectly. Chapter 3.12 discusses how the project will cause economic and social consequences, including those related to the agricultural economy and jobs base. Chapter 3.13 discusses how the project will affect land use. Finally, Chapter 3.19 discusses cumulative impacts, including the project's incremental contribution to conversion of agricultural lands to non agricultural uses. The EIR/EIS has thus given considerable attention to this important issue. The project's effects on agricultural land and the agricultural economy has not been "overlooked," as the comment cautions against.

MF-Response-GENERAL-4, MF-Response-AGRICULTURE-8.

706-5

The Authority and FRA acknowledge that CEQA recognizes agricultural land as part of the existing physical environment subject to analysis. The Authority and FRA similarly acknowledge that CEQA recognizes water resources as part of the existing physical environment subject to analysis. The Authority and FRA disagree, however, with the comment s that the analysis in the EIR/EIS is "largely limited to impacts involving direct conversion of agricultural land." Section 3.14.5 discusses temporary use of agricultural land during construction, temporary utility and infrastructure interruption, temporary noise and vibration effects on farm animals, permanent conversion of agricultural land to nonagricultural use, parcel severance, and effects on land under Williamson Act contracts, Farmland Security Zone contracts, local agricultural zoning, or conservation easements, effects on confined animal agriculture, wind-induced effects on crops, and impacts on aerial spraying practices.

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-7, MF-Response-AGRICULTURE-8, MF-Response-AGRICULTURE-5, and MF-Response-AGRICULTURE-6.

706-6

Streets and Highways Code section 2704.09, subdivision (g) reads in full:

"In order to reduce impacts on communities and the environment, the alignment for the high-speed train system shall follow existing transportation corridors or utility corridors to the extent feasible and shall be financially viable, as determined by the Authority."

The planning for the high-speed train system in the Merced to Fresno section has followed this provision of Proposition 1A. As explained in Chapter 2, Alternatives, of the EIR/EIS, it is not possible to align the HST system with existing transportation or utility corridors in all instances. The alternatives described in the EIR/EIS represent different alignments that adhere to existing transportation corridors to differing degrees. Because the Authority and FRA have three potentially feasible alignments that largely adhere to existing transportation corridors, the agencies eliminated the Western Madera alternative from consideration, precisely because of the far larger direct and indirect impacts on prime agricultural and the potential for sprawl.

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706-7

Proposition 1A specifically provides that existing corridors are to be followed "to the extent feasible." The Authority has determined that in some locations, it is infeasible to stay within existing transportation or utility corridors. See MF-Response-GENERAL-2.

The Authority is required to balance the various provisions of Proposition 1A and the EIR/EIS explains the environmental impacts inherent in the three build-alternatives that it analyzes. This provides the Authority with sufficient information about the impacts to make an informed, reasoned choice.

706-8

The comment presents the view that the lead agencies cannot consider the costs associated with locating an alignment along an existing transportation corridor as a project cost to differentiate between alternatives, and that alternatives that maximum use of existing transportation corridors cannot be dismissed from selection based on being more costly. As explained in Chapter 7, Preferred Alternative, the identification of the Hybrid alignment as the preferred north/south alignment alternative has been based on a careful weighing of multiple factors, including but not limited to impacts to the natural environment, impacts to agricultural lands, and impacts to communities as well as cost and constructability issues. Cost is one factor among many that has influenced identification of the Hybrid as the preferred alternative.

706-9

The Authority and FRA acknowledge the requirement for the EIR/EIS to analyze a range of reasonable alternatives to the project, or to the location of the project. The Authority and FRA disagree with the suggestion that the EIR/EIS does not include a range of reasonable alternatives.

See MF-Response-GENERAL-2.

706-10

See MF-Response-GENERAL-2 and MF-Response-GENERAL-10. Please also see Final EIR/EIS Chapter 7 which identifies the Agencies's Preferred Alternative, provides an evaluation of the alternatives analyzed in the document and provides a comparative analysis of the potential impacts by HST alternative. See also MF-Response-

706-10

GENERAL-15 regarding the HMF decision.

706-11

The comment suggests that the project EIR/EIS may be piecemealed by not including detailed consideration of the SR 152 east/west connection and Wyes. The Authority and FRA have included detailed examination of the Avenue 21 and Avenue 24 east/west and Wye connections in the Merced to Fresno section EIR/EIS. To provide for additional study of these east/west and Wye connections, as well as an additional SR 152 east/west and Wye connection, the lead agencies will carry forward all three to the San Jose to Merced Draft EIR/EIS. No decision will be made on the east/west connection and wye until completion of the additional evaluation. All three north/south alignment alternatives can be connected with any of the three east/west connections and Wyes (Ave 21, Ave 24, and SR 152), therefore, the lead agencies' decision on the north/south alignment will not prejudice full consideration of all three east/west and wye alternatives. Piecemealing occurs when a large project is segregated into multiple smaller pieces as a method of avoiding environmental review. That is not the case here, where the decision making and environmental review process are crafted to promote the fullest environmental review by including the SR 152 alternative prior to any decision on the east/west connection and wye. See MF-Response-GENERAL-15, MF-Response-GENERAL-16, and MF-Response-GENERAL-22.

706-12

The Draft EIR/EIS analyzes farmland loss in Section 3.14, Agricultural Lands, and addresses regional economic effects (including effects on agriculture) in Section 3.12, Socioeconomics, Communities, and Environmental Justice. This is typical for an environmental impact assessment document - analyze impacts by resource rather than by community (e.g., impacts to farming). Although the focus of Section 3.14 is on farmland and farmland loss, there is extensive information about indirect impacts - effects of the project (e.g., wind, noise) that could exacerbate the direct farmland losses summarized in Table 3.14-5. In response to comments, impacts are further described (both from the perspective of farmland loss and economic consequences) in MF-Response-GENERAL-4. Also see MF-Response-GENERAL-3 in response to the comment on growth inducement. With regard to dairies, see MF-Response-AGRICULTURE-6.

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See MF-Response-GENERAL-3.

The information in Section 3.18, Regional Growth, which reflects the HST induced population and employment growth is based upon the 2010 growth inducement work performed by Cambridge Systematics, Inc., a firm specializing in this type of analysis. The analysis used 2007 California Department of Finance (CDPF) data series for base population forecasts, and information from Woods & Poole 2010 State Profile for base employment forecasts. Growth inducement was forecast using the higher of the two projected growth rates for each county from the 2003 and 2007 reports prepared by Cambridge Systematics, Inc. and referenced in Section 3.18. The 2007 data sets from the CDOF are still posted on their website as their current long-range population forecast and are not anticipated to be updated until 2013. The numbers used in the analysis do not reflect the economic downturn that has affected California, so the numbers in Section 3.18 reflect a more optimistic scenario for population and employment and are probably reflect higher levels of growth inducement than would be predicted if the analysis was performed with revised data.

The HST Project would serve the existing and future need for transportation, would help to provide employment opportunities in a region with high unemployment, and would encourage more compact urban development around the station areas. The increases in employment are anticipated to occur faster than the growth in population as a result of the stimulation effect of the HST Project especially in the station areas. Operation of the HST Project would also attract people who would live in the Central Valley and commute to the major metropolitan areas; however, much of the employment growth in the Central Valley is expected to be filled by the local labor pool. The HST will not lead to wholesale shift in residential locations for the Bay Area and Los Angeles into the Central Valley and any interregional shifts in residential locations are expected to be a small portion of the growth expected in the Central Valley (Cambridge Systematics Inc. 2003). The costs associated with taken a daily trip to and from the larger metropolitan areas as well as the other costs associated with traveling to and from the stations if the residency is outside of the station area would be cost prohibitive.

New text has been added to Section 3.18, Regional Growth, to discuss Senate Bill (SB) 375 Sustainable Communities Strategies. SB 375 (2008) requires each of California's 18 Metropolitan Planning Organizations to adopt a "sustainable communities strategy"

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(SCS) or "alternative planning strategy" (APS) as part of their regional transportation plan. The purpose of the SCS or APS is to reduce greenhouse gas emissions from automobiles and light trucks within their region to meet emissions targets set by the California Air Resources Board. One element is to identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth. SB 375 grants no new land use powers to the MPOs. However, in order to meet the assigned emissions reduction targets, the SCS or APS is expected to call for more compact development patterns that can be served by transit and other modes of transportation. These development patterns will be encouraged by the requirement that the SCS or APS both reduce greenhouse gas emissions (which are linked to vehicle miles travelled) and plan to accommodate regional housing needs (which are expected to continue to increase). Unlike the San Joaquin Valley Blueprint described in Section 3.18, Regional Growth, preparation of the SCS is mandated by law and the ability of each SCS to meet the emissions reduction target for the San Joaquin Valley must be reviewed and approved by the Air Resources Board. If implementation of the SCS would not meet the target, then the MPO must adopt an APS that would. However, the APS is not a required component of the regional transportation plan and therefore would be less likely to be implemented.

The SB 375-mandated SCS in each county will likely rely upon HST development to help reach its greenhouse gas emissions reduction targets of 5% by 2020 and 10% by 2035. The SCS process, together with steps the Authority will take to assist with station area planning, is expected to encourage more compact development within the region and particularly around HST station locations. In addition, the Authority is funding station area planning grants for the cities of Merced and Fresno. At this writing, the cities are in the final stages of approving their acceptance of this funding. It will be used to prepare land use plans for the areas around the stations, including compact development and mixed uses compatible with the Authority's Urban Design Guidelines. While much of the growth in the station areas is a result of market forces, government involvement through a number of strategies can help to speed up the process including higher density mixed use zoning. In addition to SB 375 and SCS strategies encouraging more compact development, recent studies indicate that changes in the California housing market along with market forces would support higher density, more compact development

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around HST stations.

Even without the HST Project, to some extent, the SCS that will be adopted by the MPOs as part of their regional transportation plans will be expected to encourage both more compact development and greater investment in local transit modes as a means of reducing greenhouse gas emissions. Where an APS is adopted by the MPO, there may be less encouragement of compact development. In either case, the fact that the SCS/APS will address reduction on greenhouse gas emissions will encourage cities and counties to consider its provisions during planning and zoning deliberations in order to comply with CEQA's requirement to mitigate the impacts of planning and zoning decisions on greenhouse gas emissions. The San Joaquin Valley Blueprint, which is voluntary not mandatory, is also expected to encourage more compact development, but the extent of any increase in compact development will be difficult to quantify unless the city or county chooses to adopt the Blueprint policies as part of its general plan.

To address the bullets related to the 2008 report, The Economic Impact of the California High Speed Rail in the Sacramento/Central Valley Area, Section 3.18 provides information to illustrate the population forecasts for the Central Valley and how the area is expected to grow with and without the HST Project. The 2008 report cited also indicates that when considering the regions as a whole, HSR would only add modestly to these growth rates, which is consistent with the information in Section 3.18. Text in section 3.18 also provides information that although some people may commute with the HST, the costs associated with taken a daily trip to and from the larger metropolitan areas as well as the other costs associated with traveling to and from the stations if the residency is outside of the station area would be cost prohibitive, and therefore not likely for a large portion of the population. The employment opportunities that would be created by the HST Project would be a good thing for the Central Valley region which lags behind the rest of California as discussed in the 2008 report. The report also indicates how Merced and Madera counties will benefit from the HST Project. The HST Project would link the major metropolitan areas in California. Additionally, several of the quotes taken from the 2008 report are out of context with the actually intention of the text in the report. These include the quote discussing firms relocating to the Central Valley. When the entire section is read the report discusses that the lower transportation and transaction costs are one of the more important anticipated benefits that the Central Valley will experience.

706-13

The key assumption in the 2007 Cambridge Systematics report discussed is stating that although increases in density are likely there will be areas with or without the HST Project where certain populations will not want to live in dense/compact development. Population growth in the Central Valley is going to occur even without the HST Project and population will either choose to live in areas of higher density or outside of these areas. As discussed above, the numbers used in the analysis do not reflect the economic downturn that has affected California, so the analysis performed by Cambridge Systematics reflects a more optimistic scenario for population and employment and are probably reflect higher levels of growth inducement.

706-14

With regard to regional water supply impacts, see MF-Response-WATER-4, which states that regional groundwater impacts would be negligible (and potentially beneficial). Also see MF-Response-GENERAL-3 for a discussion of growth-inducing impacts.

Potential impacts to on-farm infrastructure, including wells, are addressed in MF-Response-AGRICULTURE-4.

706-15

The project would be served by PG&E, utilizing existing energy capacity. See MF-Response-PUE-3 for a discussion on the potential impacts to energy demand resulting from the HST System. Transmission lines and substations required to connect the HST to existing infrastructure are included in the footprint analyzed in the EIR/EIS.

Power for the HST Project will come from the electrical grid. As a result, the specific location of the generation facilities that will provide this power cannot be known. Similarly, it is not possible to know the location or characteristics of future generation plants, solar energy facilities, or other sources of power supplied to the grid. Therefore, these cannot be analyzed as part of this EIR/EIS without resorting to unreasonable levels of speculation. Any future power generation facilities needed by PG&E to supply the power commitment will be analyzed separately for potential environmental impacts. See MF-Response-PUE-4 for a discussion of the Authority's renewable energy policy.

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See MF-Response-GENERAL-2: Alternatives and MF-Response-GENERAL-16: Decision on Wye.

It is important to recognize that the all of the alternatives are a barrier to wildlife movement where it occurs, although it is acknowledged that the Eastman Lake-Bear Creek Essential Connectivity Area (ECA), though considered a linkage, also has restrictions within the existing landscape. The most effective alignment includes those alternatives that have the shortest route across the linkage and presumably less of a barrier effect. The BNSF Alternative has the longest potential barrier across this linkage. In addition it has the most watercourses/riparian corridor crossings as well within the linkage. Wildlife crossing opportunities includes those where the locations of the bridges and culverts are placed and represent some dispersal opportunities.

The best UPRR/SR 99 alternative for habitat connectivity is the East Chowchilla design option and Ave 21 Wye as it crosses Deadman Creek once and Dutchman Creek once with no other access road crossing inside the ECA. This design option also includes five canal/culverts at grade, which are very low value crossings. For the Hybrid Alternative, similar to that for the UPRR/SR 99, the Ave 21 design option is best since it crosses just once at the Deadman Creek and Dutchman Creek locations, whereas the Hybrid Alternative with Ave 24 design option has three crossings including two at Dutchman Creek.

The BNSF Alternative has the most crossings of all of the alternatives along the watercourses and has the most length of barrier effect within the ECA. The Mission Avenue East of Le Grand with both wye options have the fewest crossings and would likely have less conflict with wildlife movement compared to the other design options. No culverts or bridges are provided over natural watercourses in the other modeled wildlife corridor limits.

The USACE and EPA have concurred with the Authority/FRA that, for purposes of the Section 404 CWA permit, the Hybrid is the least environmentally damaging practicable alternative. This determination is largely based on the comparative impacts of the three alternatives on Waters of the U.S. and biological resources.

Section 3.7 of the EIR/EIS addresses wildlife movement.

706-16

The alternatives all have substantial effects on the Waters of the U.S. (aquatic communities) and the BNSF Alternative has the most acreage including its location more in the upstream gradient of the local watersheds. In addition to the larger acreage for the BNSF Alternative it also crosses more aquatic resources/drainages at key locations such as within the Eastman Lake-Bear Creek Essential Connectivity Area and at locations where there are other complementary regional resources such as vernal pools. The UPRR/SR99 and Hybrid Alternatives have less acreage affected, and although the UPRR/SR99 Alternative has slightly less acreage impacted compared to the Hybrid Alternative, they both impact similar resources in proximity.

Riparian communities include the broader linear drainages that comprise the Great Valley mixed riparian and other riparian communities. These communities include the vegetated portions of the outer edges of the natural watercourses as well as along the banks and are generally utilized as dispersal corridors and linear features that funnel some wildlife movement. The range of acreages representative of the direct and indirect effect is similarly among the project alternatives.

The EIR/EIS addresses both the construction and project period impacts in acres by terrestrial and aquatic communities in Section 3.7.

706-17

See MF-Response-GENERAL-2, MF-Response-GENERAL-3, MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-3. All feasible alternative alignments in the Central Valley are likely to have significant and unavoidable farmland impacts. Section 3.18 of the EIR/EIS analyzed the HST project's potential to significantly induce growth and concluded that it will not result in a significant increase in the growth already anticipated to occur in the San Joaquin Valley. Because this impact was found to be less than significant, no discrete mitigation measures are required for growth inducement.

Regarding the suggestion that the EIR/EIS make mitigation of the project's growth inducing impact an express condition, the EIR/EIS has already incorporated numerous mitigation measures that will limit the project's impacts on transportation, agricultural conversion, and other significant impacts to the extent feasible.

Response to Submission 706 (Christian Scheuring, California Farm Bureau Federation Office of the General Counsel, October 13, 2011) - Continued

706-18

The commenter discusses topics relative to the Authority's eventual need to adopt Findings of Fact and a Statement of Overriding Considerations, specifically with regard to significant and unavoidable impacts. With regard to the characterization of "precise nature and extent of the project's assumed benefits," see MF-Response-GENERAL-3, MF-Response-GENERAL-6, MF-Response-GENERAL-14, and MF-Response-AQ-2.

With regard to the commenter's statement that the Draft EIR/EIS "otherwise completely omit[s] or dismiss[es] large classes of potential direct, indirect, and cumulative impacts on agricultural resources," see the responses to the prior comments in this letter.

With regard to comments about weighing the project benefits against its unavoidable environmental impacts, at this time the Authority will not respond to comments that speak to documents that have not yet been prepared (Findings of Fact and Statement of Overriding Considerations).

The analyses in the Final EIR/EIS that are related to ridership have been updated to reflect two ridership scenarios—one with fares at 50% of airfare prices, and one at 83% of airfare prices, in order to provide a range of potential impacts.

706-19

The Authority has received and considered a multitude of comments and suggestions during the process of developing the alternative alignments for this HST section. However, it is the Authority's sole responsibility under its enabling legislation to determine the location of the potential alignments and, eventually, to select an alignment from among them. The selection involves balancing, among other things, the Authority's statutory responsibilities and obligations under its enabling legislation and Proposition 1A (including objectives and purpose and need), CEQA and NEPA, and other applicable regulatory requirements; the environmental impacts of the project, including impacts on both the natural and human environment; the cost of the project; the feasibility and complexity of building the HST section; and the relationship of this section to the HST system as a whole.

See MF-Response-GENERAL-2 regarding the selection of alternatives, MF-Response-GENERAL-17 regarding public outreach, and MF-Response-GENERAL-16 regarding

706-19

the deferred decision on the Wye.

706-20

The environmental process for the HST System has been underway for nearly a decade, as evidenced by the 2005 certification of the Program EIR/EIS. While there is a deadline for commitment of federal ARRA funding for the Central Valley sections, this is not driving the timing of the EIR/EIS for the Merced to Fresno section any unreasonable manner. CEQA is not intended to be a drawn-out process, but rather a timely analysis of potential project impacts, consideration of alternatives, and identification of feasible mitigation measures. This is evidenced by Public Resources Code Section 21151.5, which directs local agencies to complete EIRs for private projects within 1 year. While not directly applicable to this project, Section 21151.5 illustrates the Legislature's encouragement of completion of the process within a reasonable period.

See MF-Response-GENERAL-1 regarding the long process of designing and undertaking environmental analysis of this project and MF-Response-GENERAL-7 regarding the adequacy of the public review period.

Submission 374 (Christian C. Scheuring, California Farm Bureau Federation, Office of
the General Counsel, September 26, 2011)



CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

September 21, 2011

09-26-11P04:21 RCVB

Chairman Umberg and Members
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359

RE: Request for Extension – Public Comment Period –
Fresno to Merced/Merced to Bakersfield HSR Draft EIRs

Dear Chairman Umberg and Members of the Board:

On behalf of its membership throughout the San Joaquin Valley, the California Farm Bureau Federation ("CFBF") formally requests that the California High Speed Rail Authority ("Authority") extend the period for public comment on the two draft environmental impact reports ("DEIRs") recently released for public review as to the proposed Merced to Fresno segment and the proposed Fresno to Bakersfield segment of the proposed California High Speed Rail ("HSR") system. Consistent with a letter on behalf of the J.G. Boswell Company that the Authority recently received on this subject, CFBF would request an extension of the comment period that would allow for 6 months of public review.

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 76,500 agricultural and associate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

The two DEIRs, released simultaneously, appear to involve more than ten thousand pages of documents. As a threshold matter, even for an appropriately-staffed legal office such as CFBF's, accessing and organizing the two DEIRs was a considerable challenge – the DEIRs appear on the Authority's website as numerous individual .pdf's by section, each of which needed to be accessed, printed and assembled as a whole. A phone call to the Authority did result in the rapid mailing of a CD-ROM as an alternative, but the experience of this office in simply accessing the DEIRs would seem to underscore the difficulty that an average farmer might have in reviewing and commenting on these extraordinarily large "public" documents.

NANCY N. McDONOUGH, GENERAL COUNSEL
ASSOCIATE COUNSEL

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

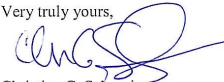
Chairman Umberg and Members
RE: Request for Extension – Public Comment Period –
Fresno to Merced/Merced to Bakersfield HSR Draft EIRs
September 21, 2011
Page 2

On a substantive level, it bears observation that the two segments under review total approximately 180 miles, and the DEIRs appear to identify a number of significant and unavoidable impacts – including impacts to agricultural resources. Several alternative alignments are proposed, as well as several different locations for a heavy maintenance facility. Complicated projections of "project need" and ridership figures are given in relation to HSR, as are project capital and O&M costs. Just Section 3 of each of the DEIRs – identifying the affected environment, environmental consequences, and mitigation measures – prints out as a 4-inch thick document. For members of the affected public, including CFBF's farmers and ranchers, meaningful review and discussion of such a large project simply cannot occur on a 60-day timeline.

As massive and expensive as HSR is, and because many of its impacts are irrevocable, the Authority should reach beyond minimum statutory requirements for public environmental review. As a multi-billion dollar piece of public infrastructure which may have a long and broad footprint upon California's landscape for many decades, it should not be said that the Authority rushed to final design and construction. Respectfully, CFBF requests that the Authority open public review of the DEIRs to a 180-day period.

Please feel free to contact me directly in relation to this request.

Very truly yours,


Christian C. Scheuring
Managing Counsel

CCS/dkc

cc: Senator Doug La Malfa
Senator Alan Lowenthal
Senator Darrell Steinberg
Senator Tom Berryhill
Senator Michael Rubio

Assemblyman Bill Berryhill
Assemblywoman Cathleen Galgiani
Assemblywoman Shannon Grove
Assemblyman Henry Perea
Assemblyman David Valadao

Response to Submission 374 (Christian C. Scheuring, California Farm Bureau Federation,
Office of the General Counsel, September 26, 2011)

374-1

See MF-Response-GENERAL-7.

Submission 591 (Stacie Dabbs, California Partnership for the San Joaquin Valley, October 12, 2011)

Merced - Fresno - RECORD #591 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/12/2011
Submission Method : Project Email
First Name : Stacie
Last Name : Dabbs
Professional Title :
Business/Organization : California Partnership for the San Joaquin Valley
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93740
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Email Subscription : Merced - Fresno
Add to Mailing List :

Stakeholder Comments/Issues :

On behalf of the California Partnership for the San Joaquin Valley (Partnership), I respectfully submit the following comments to express the Partnership's continued support for the California High-Speed Train System (HST) generally, and specifically the Merced to Fresno and Fresno to Bakersfield Sections.

The Partnership is a public-private collaborative sharply focused on improving the eight county region's economic vitality and quality of life for the nearly 4 million Californians that call the San Joaquin Valley home. Created by Governor Schwarzenegger in 2005, the Partnership convened stakeholders from throughout the San Joaquin Valley and developed a Strategic Action Proposal which set forth strategies and specific actions to address challenges in the region. The HST project is consistent with the actions and objectives as set forth in this proposal as it supports the development of "a sustainable region-wide transit system" that will "increase transit ridership, improve mobility, and contribute to air quality."

591-1

In response to release of the draft EIR / EIS for the Merced to Fresno Section, it is timely to reiterate the importance of this project to the region.. Not only will the HST system improve mobility and help decrease congestion and air pollution in a region that suffers from the worst air quality in the nation, but it will also be an economic catalyst for the Valley and the entire state of California. It is uncontested that this project will put thousands of Californians to work, and in the Valley, where unemployment rates well exceed the state average, this is of critical significance. By starting construction in the Valley, more than \$4 billion is invested in the region's economy, not only making efficient use of the federal investment, but also maximizing the opportunity to create California jobs quickly. In addition to job creation, this project will undoubtedly create far-reaching economic impacts including hubs of activity around stations, and new opportunities for business attraction and expansion through the connection of California's major urban centers.

While the Partnership has been and will remain a steadfast supporter for the HST sections in the San Joaquin Valley, I would like to highlight three issues of importance to the Valley when discussing the future development of this project.

591-2

First, the San Joaquin Valley region is widely recognized as one of the most agriculturally productive regions in the world. While impacts to farmland are unavoidable with any project of this size and magnitude, it is critical that the Authority remains committed to minimizing and mitigating these impacts throughout the region, including the adoption of measures to cause the least severance of farmlands. Adherence to existing transportation corridors to the extent feasible is an important consideration to this effort.

591-3

Second, in order to maximize the economic benefits of a HST system in California, including the project's job creation, it is recommended that Targeted Unemployed Worker Hiring Criteria, and First Source

Submission 591 (Stacie Dabbs, California Partnership for the San Joaquin Valley, October 12, 2011) - Continued

591-3

Transparency Requirements be incorporated into the California High Speed Rail Authority's Request for Proposals. Hiring criteria would dictate that thirty percent of all construction work hours are performed by Targeted Unemployed Workers, i.e. workers who are (1) unemployed and (2) reside in an area with unemployment of at least 150 percent the national average rate. Targeted Unemployed Workers could reside anywhere in the United States that meets the aforementioned criteria. First Source Transparency Requirements would dictate that HST construction and personal services contractors notify the referring entities recognized by the Authority, of job openings and collaborate with referring entities on candidate interviews, recruitment and retention. First Source Transparency Requirements would also include a mandate that contractors maintain at least one physical office for hiring purposes somewhere in the multi-county, first phase construction zone that spans from Bakersfield to Madera .

591-4

Lastly, time is of the essence. With strict deadlines tied to American Recovery and Reinvestment Act funding, and with the tremendous benefit the HST project is poised to deliver the region and state, it is of critical importance that this project move forward in a timely manner. Many years of thought, negotiation and effort has gone into the planning and development of the California High Speed Train system and as we near the initial construction phase, it is essential that we continue to work together for prompt project delivery. Not only can we not afford to neglect our state's mobility and air quality issues, but we also cannot afford to allow cost increases associated with project delay.

591-5

Ultimately, it is important to remember that the long-term goal of our collective efforts is to develop a statewide HST system that creates good jobs, improves air quality and provides Californians with a cheaper, faster and cleaner way to travel. Starting this project in the Valley is logical as it maximizes current resources and promises to deliver critical economic and environmental benefits to the fastest growing region of California. By taking into account the three issues described above, the HST system is a win-win for the San Joaquin Valley that will most certainly maximize the economic benefit to the region, while not only improving the quality of life in the San Joaquin Valley but doing so in a way that protects the agricultural foundation that has made the Valley the breadbasket of the world.

Thank you in advance for your consideration of these comments.

STACIE DABBS | PUBLIC AFFAIRS DIRECTOR

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Twitter: Smart Valley Places | California Partnership for the SJV

Response to Submission 591 (Stacie Dabbs, California Partnership for the San Joaquin Valley, October 12, 2011)

591-1

Comments acknowledged.

591-2

See MF-Response-AGRICULTURE-1, MF-AGRICULTURE-2, MF-Response-GENERAL-2, and MF-Response-GENERAL-4.

591-3

See MF-Response-GENERAL-19. Please see Section 3.12, mitigation measure SO-MM #5 regarding continued outreach to minority and low-income populations. Minorities and low-income populations will benefit from jobs created by the HST project.

591-4

See MF-Response-GENERAL-9.

591-5

Comments acknowledged.

Submission 5 (MIKE WESTDAL, CALWEST ASSOCIATES, May 29, 2011)

Merced - Fresno - RECORD #5 DETAIL

Status : Action Pending
Record Date : 5/29/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 5/29/2011
Submission Method : Website
First Name : MIKE
Last Name : WESTDAL
Professional Title : Executive Director
Business/Organization : CALWEST ASSOCIATES
Address :
Apt./Suite No. :
City : STOCKTON
State : CA
Zip Code : 95204
Telephone : 209-933-0662
Email : calwest48@msn.com
Cell Phone :
Email Subscription :
Add to Mailing List : No
Stakeholder
Comments/Issues : Your projected boardings for the Central Valley in particular are over estimated by over fifty percent (50%). As a result, there is no credibility with your plan. As time goes on, YOU WILL reduce your boarding estimates downward. Your boarding estimates are a dishonest way to "sell" your rail project. We are not as dumb as you think.
EIR/EIS Comment : No

5-1

Response to Submission 5 (MIKE WESTDAL, CALWEST ASSOCIATES, May 29, 2011)

5-1

It is unclear how to dispute this claim, since no reasons are given for the assertions. The following outlines why the forecasts are reasonable. In addition, even if these forecasts turn out to be higher than the actual, the assessment of potential impacts will have been properly assessed on the basis of the maximum reasonable impacts.

The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics (CS). A full description of the model development and the forecasts is available on the Authority's website and will also be available when the Final EIR/EIS is published [California High-Speed Rail Authority. 2011. Ridership and Revenue Model: Development, Application, and Project-Level EIR/EIS Forecasts. Prepared by Parsons Brinckerhoff. June 2011. Available at <http://www.cahighspeedrail.ca.gov/assets/0/152/302/321/dce0ae33-6717-43a0-bf82-a2e7825c6996.pdf>].

The ridership model is not deficient, but "produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications," according to a ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting [Independent Peer Review Panel, August 1, 2011].

The ridership model has been the subject of litigation challenges (*Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2008-80000022 and *Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2010-80000679). As part of the Atherton litigation, the Superior Court concluded that: "Cambridge Systematics' analysis is clearly not inadequate or unsupported and Respondent reasonably relied on Cambridge Systematics' conclusions in approving the ridership model after extensive debate regarding ITS's criticisms of the model. Respondent's thorough explanation regarding its selection is contained in the record."

A range of ridership forecasts has been used in the Draft EIR/EIS to evaluate potential negative and positive impacts of the HST. For negative impacts such as noise or traffic around stations, a high level of ridership and HST activity was assumed. For positive impacts such as energy savings or greenhouse gas emissions reductions, a low level of ridership and HST activity was assumed. In each case, the ridership is

5-1

conservative and reasonable for the evaluation of impact.

Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011)



California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

October 13, 2011

SUBJECT: Draft EIR/EIS Comment for Merced to Fresno

To Whom It May Concern:

CARRD (Californians Advocating Responsible Rail Design) is a grassroots, volunteer organization that has been following the California High Speed Rail Project for almost 3 years. CARRD focuses on process and seeks to engage and encourage the public in actively participating in the environmental review process.

The EIR/EIS fails to adequately describe the project.

691-1

The project description for the purposes of analyzing benefits is inconsistent with the project description with respect to costs and impacts.

When assessing the benefits of a statewide system, the project is defined with service extended to San Diego and Sacramento ("Phase 2").

In some cases the costs (with respect to the number of trains and local station impacts) are considered with respect to Phase 1 (service to San Francisco and Anaheim) and sometimes are simply considered for the Merced to Fresno segment.

For example, the analysis of net GHG emissions looks at the benefits (GHG reduction) derived from the implementation of the project on a statewide basis (Table 3.3-11 and Table 3.3-19) but only the emissions costs of construction within the Central Valley are considered. None of the regional benefits are attainable without significant additional construction throughout the state.

The costs do not address the impact to districts where a large number of businesses will be affected. This includes businesses which may be displaced, partially displaced, or disrupted either temporarily by construction or permanently by the placement of the new alignment. The EIR fails to discuss these impacts to the businesses, the communities they serve, the tax base they currently provide, or the ripple effect on their suppliers, distributors, customers, vendors, etc.

691-2

The project description fails to analyze other potential versions of the project.

AB3034 was written with the idea that one day there would be a completed Phase 1 and Phase 2 of a High Speed Rail system however, the necessary funds have not been secured and can be considered speculative at best.

691-2

As such, the project should consider the more limited benefits of the other described uses of the tracks to be built. This is akin to the Bart to Silicon Valley project. The original intent was to extend trackage from Fremont to Santa Clara. Voters improved sales tax measures to do just that. When it became known that the available revenue would not be sufficient to do the complete project, a separate EIR/EIS was commenced for the funded portion that analyzed costs and benefits of the more limited scope, not considering the still desired outcome of building the complete system.

The CHSRA has signed a funding agreement with the Federal Railroad Administration ("FRA") that requires the tracks to be used for improved San Joaquin Amtrak service if additional funding required for revenue service is not secured. The CHSRA has stated publicly that they do not intend to start revenue service until construction has either been completed to the Los Angeles Basin or to the Bay Area. This will require billions of dollars for civil engineering and for additional improvements such as electrification, trains, signaling and maintenance facilities beyond the funding currently secured.

This alternate version of project with improved Amtrak service brings with it costs and benefits that are substantially different than those analyzed in the EIR/EIS, as well as some important changes.

The improved Amtrak version not only can be reasonably anticipated, but could be considered the default option, as the complete build-out requires additional significant awards of Federal funds that are speculative. A \$108 million reserve has been established to implement it, as per the December 2010 funding agreement with the FRA.

"To comply with FRA requirement for assuring operational independence, an Interim Use Reserve has been established for the Project. The Interim Use Reserve includes a connection on each end of the initial construction section in the Central Valley with the Burlington Northern and Santa Fe Railway Company (BNSF) mainline plus associated positive train control (PTC), and interim station (i.e. Amtrak) capital costs, totaling \$108 million. The funds allocated to this Interim Use Reserve are to be 100% Federal funds. This allocation does not alter or affect the overall Federal share associated with funding this Project (see Project Budget). The amount established in this Fund is intended to be sufficient to complete the additional capital investments necessary to allow for the provision of interim Amtrak San Joaquin service in this corridor."

If at some point before construction of the Project is substantially complete, FRA determines in coordination with CHSRA that there will be a significant delay in securing the funds required to complete the investments needed to begin initial HST revenue operations, the Federal funds set aside in the Interim Reserve Fund will be utilized to cover the capital investments necessary to allow for the section to be placed in service for intercity (non-HST) passenger rail purposes (satisfying Sections 2, 4, and 13 of Attachment 1 A to this Agreement). CHSRA would not fund from bond funds or construct or operate, such connection prior to letting of any design/build contracts under this agreement. CHSRA shall coordinate to secure commitments by the appropriate other government agency(ies) and/or private entities that would construct and operate such connection and related service, including any associated environmental review required by law."

The project should be fully described, including the cut across tracks and changes in Amtrak station locations. There are clearly impacts associated with these provisions that are different from those in the project described in the EIR/EIS. The FRA funding agreement specifies that environmental review would be done later, but CEQA guidelines are very clear that the study of reasonably

CARRD EIR Comments, Page 2

Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

691-2

anticipated impacts can not be deferred.

In addition, the benefits would be limited to those from running two extra Amtrak trains, as described in the 2010 Application for Federal Funds (see "Redefined Merced-Fresno Design-Build Section ARRA Track 2 Scope" from August 2010, as posted on the CHSRA website").

The project does not account for maintenance costs from the Amtrak San Joaquin service alternative.

The project would cause the state to incur millions of dollars annually of maintenance costs for the tracks as per the FRA funding agreement that are not quantified nor budgeted. The analysis provided in the 2010 application ignored these costs.

From the December 2010 FRA agreement:

*"Section 14. Maintenance Responsibility and Refunds.
a. Except as otherwise provided herein, the Grantee shall ensure the maintenance of Project property to the level of utility (including applicable FRA track safety standards) which exists when the Project improvements are placed in service (as set forth in the Statement(s) of Work (incorporated into this Agreement) for a period of twenty (20) years from the date such Project property was placed in service, consistent with the satisfactory continuing control and maintenance responsibilities of 49 U.S.c. 24402(b)(1) and (c)(1) and as addressed in Section 2 above. In the event, the Project property is not maintained, as required by this section, for a period of time in excess of six (6) months, or such other period as may be mutually determined by the parties, and is not restored within a reasonable time to the level of utility which exists when the Project improvements are placed in service, the Grantee will refund to FRA a pro-rata share of the Federal contribution, based upon the percentage remaining of the twenty (20) year period that commenced when the Project property was placed in service."*

The 2008 Proposition 1A bond measure specifically forbids the use of bond funds for this purpose. The cost may result in the reduction of funds availability for rail service around the state.

691-3

Basic demographic information is inconsistent with this Merced-Fresno EIR/EIS and the Fresno - Bakersfield EIR/EIS.

Table 1-1 of the Merced-Fresno EIR provides job and population estimates, showing a projected 66% increase in jobs in Fresno County. This is inconsistent with Table 2-4 from the Fresno - Bakersfield document, which gives only a 33% increase over the same period. Both tables purport to use the same data source for 2010 data yet have different figures.

691-4

Vehicle Miles Traveled (VMT) forecasts inconsistent with projected growth.

Fresno County is projected to grow by 56.9%, yet VMT are only projected to grow by 17% (Table 1-2). This calls into question the validity of the Cambridge Systematics travel model.

691-5

The EIR is not using population estimates from the 2010 census numbers.

The 2010 census numbers are different from what was projected in the middle of the decade in the Program Level EIR. This Project Level EIR should use the latest, most accurate numbers possible when calculating potential impacts across the project. This would include ridership, local population growth, traffic, emissions, etc.

691-6

The EIR incorrectly claims that ridership estimates and future traffic forecasts have little impact on the project.

The benefits of the project are primarily driven by lower emissions from the substitution of low emission train travel for auto and air travel. These lower emissions need to offset an admittedly high level of emissions and other impacts related to construction. Thus, the lower the ridership, the higher the net impact.

The net emissions impact should be recalculated a new model being developed by Cambridge Systematics, using lower forecasts as more conservative. The work on the new model is described in the 2011-2012 Work Plan for Parsons Brinckerhoff.

691-7

The EIR presumes without any evidence that there will be little growth induced sprawl resulting from this project.

This is wholly unsubstantiated within the document. The EIR references the San Joaquin Valley Blueprint.

Pursuant to the San Joaquin Valley Blueprint, land use plans would encourage infill and higher-density development in urban areas and concentration of uses around transit corridors, which would help reduce the conversion of Important Farmland. ...

By offering a new transportation option, it provides an opportunity to create transit centers in the central business districts, where mixed land uses (residential, commercial, and business uses) and urban densities are best suited. If the communities zone to take advantage of this increase in land values, the growth can be redirected to limit low density development, which has been consuming large amounts of land area. There is an opportunity to encourage walkable, more concentrated development patterns to meet new growth demands and reduce the rate and occurrence of low density, which erodes the valuable land resources. Providing opportunities for focusing future development on land that is already in non-agricultural uses would reduce the amount of farmland converted to uses other than agriculture. Consistent with the preferred B+ (Blueprint) Scenario, which incorporates the HST system, farmland conversion would be reduced from 327,000 acres (the business as usual, or "A" Scenario) to 209,000 acres, a reduction of 118,000 acres. The project's expected contribution to this reduction would be a potential beneficial effect under each HST alternative. [3.14 Agricultural Lands]

However, the Blueprint is a wholly voluntary set of strategies that municipalities can follow if they wish.

The Blueprint Guidance Framework is made up of a set of 11 strategies intended to assist local agencies with land use authority who wish to voluntarily implement the Valley Blueprint...Acceptance of the Guidance Framework will not establish any laws, ordinances or regulation, nor will it carry out any existing law, ordinance or regulation, nor will it establish any new mandatory level of review of any county or city plan or project plan. [source: SAN JOAQUIN VALLEY BLUEPRINT ROADMAP GUIDANCE FRAMEWORK August 31, 2011]

There is absolutely no assurance that any such efforts will be made or will be successful.

Typically new transportation projects encourage growth. Merced and Fresno are hoping to attract residents who would work in the Bay Area but would like more affordable housing. For cities with

CARRD EIR Comments, Page 3

CARRD EIR Comments, Page 4

Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

691-7

strong existing transit networks, the addition of high speed rail to a transit hub can help strengthen those networks. Neither Fresno nor Merced has such a system in place. Thus there can be no expectation that future growth would be more compact as a result of this project.

The EIR should acknowledge the potential for additional farmland impacts and propose mitigations.

691-8

The EIR states that the CHSRA has no ability to determine local land use decisions.

While the CHSRA does not directly control local land use decisions, many governmental agencies have been able to exert significant impact over others using various tools. For example, the Federal government was able to get states to increase their legal drinking ages by withholding transportation funds from states that did not change their laws. More recently, the Federal government used "Race to the Top" funds for education to get large changes in education policy.

In order to mitigate the risk of additional sprawl and loss of farmland, the Authority should make a building a station contingent upon significant changes in land use provisions, such as urban growth boundaries.

691-9

The EIR fails to use updated or predicted future emissions savings.

The EIR fails to use updated assumptions for auto emissions for 2035, as per page 6-1 of the Air Quality Technical Memorandum. It asserts that doing so would not affect the analysis, but this may have only considered standards through 2016, although in July 2011 much more aggressive increases were announced through 2025 (EPA/EPA-420-F-11-027 July 2011).

It is difficult to understand how mandatory fuel standards that will increase fuel efficiency by 250% will not have an impact on the analysis. The analysis should be redone using updated standards.

In addition, the analysis has assumed a high level of ridership. The analysis should be conducted with a lower and more conservative ridership and passenger load forecast.

A reduction of 10% of VMT in the project area seems implausibly high, given the project is primarily addressing infrequent long distance travel. Please provide additional technical information showing how this number was calculated.

691-10

The Authority seems to be moving ahead with engineering without actually considering comments.

From the July 2011 PMT Report from Parsons Brinckerhoff states: "Procedure for approval of Caltrans resources to support the accelerated schedule for 30% PE Design needs to be finalized. The first ARRA section includes re-alignment of SR 99 which requires significant Caltrans support/review. With the need to complete the ARRA 30% PE in October, this is urgent."

(Note a full copy of the July 2011 PMT report was submitted as part of the Administrative record by Rita Wespi as a separate comment as the file sizes are too large).

According to this report, the PE (Preliminary Engineering) would be completed at the 30% in October, yet the deadline for the comments is October 13th, 2011. Typically, 30% engineering is something that would be put out to bid, which means that the Authority seems poised to go out to

CARRD EIR Comments, Page 5

691-10

bid on a project that hasn't gone through adequate environmental review.

691-11

The Authority fails to guide Spanish speakers to where information is available in Spanish.

The front page of the Authority's website has no signage directing Spanish speakers to a location on the website where information is available in Spanish. There should be a button or something that guides Spanish speakers to a place where information is available in Spanish. Please see the attached screen shot of the main page of the CHSRA website as of October 13, 2011. In order to access information in Spanish, users would have to know to go to Library, then to Project Section, then to Merced to Fresno and then search among the myriad of documents to find the section titled *Outreach Documents* to then find the document called *Merced to Fresno Factsheet (Spanish)*. It is not reasonable to expect that a Spanish speaker would be able to go through all of that to find information in Spanish. Even an English speaker attempting to assist a Spanish speaking acquaintance would find this challenging to navigate.

The Authority has failed to provide translation of key documents necessary for Spanish speakers to be able to comment adequately on this document.

There are exactly 3 documents available for Spanish speakers to review related to the Merced to Fresno segment. Under the Library Section, under Studies and Reports, Merced to Fresno Draft EIR/EIS Statement and then Educational Materials, the following appears:

Educational Materials	
Highlights of the Draft Environmental Impact Report/Statement – English	975 kb
Highlights of the Draft Environmental Impact Report/Statement – Spanish	2.61 MB
Merced-Fresno California High-Speed Train Project Draft Environmental Impact Report/Statement Brochure – English	2.89 MB
Merced-Fresno California High-Speed Train Project Draft Environmental Impact Report/Statement Brochure – Spanish	1.34 MB
Press Release: California High-Speed Rail Project Advances Toward Construction	
Merced-Fresno Executive Summary – Spanish	2.28 MB

The documents available for Spanish speakers offer only a very general overview of the project itself. The Merced-Fresno Executive Summary is the largest Spanish document available at 75 pages. However, given that the English version of the complete EIR is thousands of pages, this is completely inadequate in terms of understanding the real ramifications of the project. For example, a search of the word noise or noises ("ruido" or the plural "ruidos" in Spanish) in this Executive Summary only finds the word 48 times. By comparison, opening the Noise and Vibration section of the English EIR and searching for the word noise yields 621 hits. Also for comparison, doing a search of the word "noise" in the English version of Volume I, Section 3.12 Socio-economics,

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691-11

Communities, and Environmental Justice gets 40 hits.

The Authority failed to translate the Table of Contents into Spanish which its own brochures highlight as a key place for readers to gain an understanding of the overview of the DEIR/EIS.

The report titled "Highlights of the DEIR/EIS in Spanish only has 10 pages. The Merced-Fresno California High Speed-Train Project Draft Environmental Impact Report/Statement Brochure in Spanish is 2 pages. This document also contains the following (in Spanish) - translated here:

How to Read the DEIR/DEIS

A DEIR/DEIS for a project of this size may be too long for someone to read the entire document. A suggestion would be to read through the table of contents to identify sections that interest you. Reading the executive summary is also recommended because it provides an overview of the entire document. After viewing the executive summary and the table of contents, it will be easier to choose which sections you are most interested in reading.

This is a direct translation from the English brochure, however the Authority does NOT provide a Table of Contents in Spanish for Spanish speakers to review. In addition, even if a Spanish speaker was then interested in reading a section in more detail, it is not easy for a person to obtain information in Spanish. In fact, the brochure tells the reader (in Spanish) the following:

Where can I find the Merced to Fresno DEIR/DEIS?

All the listed locations will have a printed copy of the Draft EIR/EIS. Some also will have a digital copy on CD-ROM. The Draft EIR/EIS, and related documents, are available at the Authority's website www.calhighspeedrail.ca.gov and the FRA's website www.fra.dot.gov.

As noted previously, when one goes to the Authority website, it is not clearly marked where Spanish speakers should go to get more information. The same problem exists on the FRA's website.

The Authority has failed to translate the list of Resources/Sources cited in the DEIR/EIS into Spanish.

Volume I, Section 10 is a 64 page list of all of the Resources/Sources used in creating this document. The Authority has failed to translate any of this information into to Spanish such that a Spanish speaker could ask to have relevant material translated in order to better understand the report and respond appropriately.

691-12

The Authority has pushed too many decisions to the next level of environmental review, making it impossible for the public and decision makers to consider the potential impacts and mitigations and adequately comment on the DEIR/EIS.

For example, in Fresno, on the frontage streets which will be closed near the Shaw overpass, the DEIR does not disclose what will happen to the properties which are not part of the alignment but will lose their access. It does not describe what will happen to properties which the proposed alignments will partially run through - are these partial takes? The DEIR does not describe in sufficient detail the mitigations to larger properties which will be bisected by the proposed alignments.

691-13

The Authority has not allowed enough time for the public to review such a voluminous document and its numerous appendices.

The 45 day review period that was given to review the Merced to Fresno DEIR/EIS is woefully inadequate given the extremely vast nature of the project, the complexity of the impacts and mitigations over a wide variety of communities and the numerous technical appendices.

The Authority failed to provide the Technical Reports on the CD-ROM version of the Merced to Fresno DEIR/EIS.

CARRD requested and received a CD-ROM version of the Merced to Fresno DEIR/EIS which does NOT include the Technical Reports listed on the website. The missing files are:

Technical Reports	
Transportation Technical Report	31.8 MB
Transportation Technical Report Appendices A-E	19.2 MB
Air Quality Technical Report	3.21 MB
Air Quality Technical Report Appendices A-H	5.05 MB
Noise and Vibration Technical Report	5.92 MB
Noise and Vibration Technical Report Appendices A-D	40.3 MB
Biological Resources and Wetlands Technical Report	9.19 MB
Biological Resources and Wetlands Appendices A-F	580 kb
Special-Status Plant Survey Report	2.4 MB
Special-Status Plant Survey Report Appendices A-G	27.9 MB
Hydraulics and Floodplain Technical Report	11.7 MB
Hydraulics and Floodplain Technical Report Appendices A and B	8.46 MB
Stormwater Management Plan	17.9 MB
Geology, Soils, and Seismicity Technical Report	19.5 MB
Hazardous Materials/Wastes Technical Report	3.15 MB
Hazardous Materials/Wastes Technical Report Appendix A	30.7 MB
Hazardous Materials/Wastes Technical Report Appendix B	15.9 MB
Hazardous Materials/Wastes Technical Report Appendix C	9.65 MB

Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

Community Impact Assessment	10.1 MB
Aesthetics and Visual Quality Technical Report	8.59 MB
Aesthetics and Visual Quality Technical Report Appendices A-C	20.8 MB
Wetlands Delineation Report	2.42 MB
Wetlands Delineation Report Appendix A	583 kb
Wetlands Delineation Report Appendix B	4.17 MB
Wetlands Delineation Report Appendix C (redacted)	14 kb
Wetlands Delineation Report Appendix D	1008 kb
Wetlands Delineation Report Appendix E (redacted)	22 kb
Wetlands Delineation Report Appendix F	93 kb
Wetlands Delineation Report Appendix G	53 kb
Wetlands Delineation Report Appendix H	62 kb
Wetlands Delineation Report Appendix I	2.02 MB
Wetlands Delineation Report Appendix J	125 kb
Wetlands Delineation Report Appendix K	169 kb
Wetlands Delineation Report Appendix L	57 kb
Wetlands Delineation Report Appendix M (redacted)	68 kb
Check Point A	
Check Point A Purpose & Need	1.83 MB
Check Point A EPA Concurrence Letter January 20, 2011	28 kb
Check Point A USACE Concurrence Letter February 2, 2011	494 kb
Check Point B	
Check Point B Summary Report	11.2 MB
Check Point B Transmittal Letter	324 kb
Check Point B EPA Concurrence Letter June 24, 2011	518 kb
Check Point B USACE Concurrence Letter June 14, 2011	48 kb
Check Point B Attachment 1-1 EPA Concurrence Letter April 30, 2008	43 kb

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Check Point B Attachment 1-2 USACE Concurrence Letter May 8, 2008	163 kb
Check Point B Attachment 2 Annotated Slides	5.34 MB
Check Point B Attachment 3-1 Aquatic Resources	111 kb
Check Point B Attachment 3-2 Figure 1	2.37 MB
Check Point B Attachment 3-3 Figure 2a	1.88 MB
Check Point B Attachment 3-4 Figure 2b	1.87 MB
Check Point B Attachment 3-5 Figure 2c	148.7 MB
Check Point B Attachment 3-6 Figures and Tables	1.21 MB
Check Point B Attachment 4 404 B1 Table	71 kb
Check Point B Attachment 5 Preliminary Alternatives Analysis Report	57.5 MB
Check Point B Attachment 6 Supplemental Alternatives Analysis Report	2.32 MB
Check Point B Supplemental Data for the 404 Alternatives Analysis	226 kb
Capital Cost Estimate Report	1.66 MB

We believe this information was added later to the website, however, we never received notification. This information is very important for those commenting on this project. We recommend that the Authority put out a notice to the public that this information is now available and that they be allowed an additional 45 day comment period to analyze this information.

Sincerely,
Elizabeth Alexis
Nadia Naik
Rita Wespi
Co-Founders, CARRD
Californians Advocating Responsible Rail Design
www.calhsr.com
650-539-8284

ATTACHMENTS
Progress Reports
FRA 2010 Funding Agreement
Attachment 1A of the FRA 2010 Funding Agreement
FRA Funding Application
Screenshot of CAHSRA website today
Screenshot showing Merced to Fresno Factsheet (Spanish)

CARRD EIR Comments, Page 10

Response to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011)

691-1

The comment is incorrect that the long term GHG benefits from operation of the project are calculated and presented numerically based on the statewide reduction in GHG emissions. Tables 3.3-11, 3.3-12, 3.3-15 and 3.3-16 show statewide emissions reductions by way of background for the Tables that follow (3.3-13, 3.3-14, 3.3-17 to 3.3-20) which clearly specify that these are based on a "regional" basis. It is true, as the comment notes, that emissions reductions in Merced to Fresno only happen once trains are up and running, which requires construction beyond Merced to Fresno. However, construction beyond Merced to Fresno also will lead to emissions reductions in those areas (from fewer vehicle and plane trips in those areas) beyond what the EIR/EIS reports, and greater than the emissions associated with the construction, similar to what the EIR/EIS reports. In other words, construction emissions will occur in each segment, and so will emissions reductions.

Regarding costs to business districts, this is addressed in Chapter 3.12, including on page 3.12-55 under "Business Impacts". See MF-Response-SOCIAL-3.

691-2

The comment mischaracterizes the provision of the Federal funding related to the independent utility of the Merced to Fresno section. The possible use of the HST track by Amtrak at some future time should the HST not be completed is not anticipated and is not part of this project.

See MF-Response-GENERAL-13 and MF-Response-GENERAL-18 for a discussion of the ARRA funding provisions for independent utility, the lack of plans for use of the HST track by Amtrak, as well as a discussion of the lack of CHSRA authority over that possible use.

691-3

No changes have been made. Both tables provide information on demographics, but Table 1-1 in Chapter 1 (Project Purpose, Need, and Objectives) of the Merced to Fresno section provides information on the number of jobs and households and Table 2-4 in Chapter 2 (Alternatives) of the Fresno to Bakersfield section provides information on total population.

691-4

The estimates of 2010 VMT in Table 1-2 are from the Caltrans 2009 Highway Performance Measurement System and the 2035 VMT from the Cambridge Systematics (CS) inter-regional travel model. The Caltrans source provides a higher estimate of existing VMT in Fresno County than the CS model since it includes more local travel. However, the CS model is reasonable in its estimate of growth in VMT, since it forecasts changes in line with population growth, as well as in its estimates of changes in VMT that are used to assess impacts of the HST project versus the no-build in both 2010 and 2035.

Although the table shows that Fresno County is projected to grow by only 17%, the Cambridge model is internally consistent and the basis of analysis of the impacts of change in VMT for both 2010 and 2035 are based on modeled results for both no-build and with-project cases.

See also MF-Response-GENERAL-3.

691-5

Demographic data in the FEIR/EIS has been updated with the data that is available from the 2010 Census. However, no population projections based on the 2010 Census are available from the California Department of Finance and the projections reflecting 2010 Census data are not expected to be available until 2013. The EIR/EIS is using the best available information.

691-6

The emissions from construction have been recalculated using more refined information about construction activities. As a result, the emissions from construction have been revised downward. Pursuant to mitigation measure AQ-MM#4: Offset Project Construction Emissions through a SJVAPCD Voluntary Emission Reduction Agreement (VERA), the Authority will purchase sufficient offsets through the SJVAPCD's programs to reduce construction emissions below the level of significance. See also MF-Response-AQ#3.

691-7

See MF-Response-GENERAL-3, which discusses the potential for growth that is

Response to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

691-7

attributable to the HST. Contrary to the comment's assertion, growth projections are based on modelling undertaken by Cambridge Systematics for the Central Valley (see Section 3.18.3, Methods for Evaluating Impacts). This modelling takes into account the potential for commuters to use the HST to move between the San Joaquin Valley and the system termini in the Bay Area and Los Angeles Basin.

The EIR/EIS has been revised to include a discussion of SB 375, which will require the Metropolitan Planning Organizations within the San Joaquin Valley to adopt "sustainable communities strategies" (SCS) as part of their Regional Transportation Plan updates in 2014. The SCS links regional transportation funding to land use strategies to reduce greenhouse gas emissions from autos and light trucks in the region and to the housing elements of each city and county general plan. Increases in greenhouse gas emissions are directly proportional to increases in VMT (See *Growing Cooler: The Evidence on Urban Development and Climate Change*, Urban Land Institute, Washington D.C. 2008). In order to meet the targeted 5% decrease in greenhouse gas emissions by 2020 established by the California Air Resources Board, the RTP/SCS will need to demonstrate that it will reduce VMT within the region. Consequently, the RTP/SCS, as a result of revised transportation funding policies and housing requirements, is expected to strongly discourage future sprawl and encourage infill and compact growth in order to reduce greenhouse gas emissions. This supports the EIR/EIS conclusion that future development patterns in the area will tend to be more compact than in the past.

691-8

See MF-Response-GENERAL-3. As part of their general plans, the cities in the study area have identified areas outside of the existing city limits where growth will occur (i.e., Spheres of Influence). For the cities with a station more compact development is expected to occur around the station areas. As described in Section 3.13.5, Station Planning, Land Use and Development, the cities of Merced and Fresno are responsible for developing local land use requirements that would focus the growth in the HST station areas. To assist the cities, the Authority plans to work closely with Merced and Fresno to verify that policies related to TOD are adopted and implemented. Refer to Chapter 8, Public and Agency Involvement, for information on the coordination that has occurred.

In addition to the current planning efforts in Merced and Fresno to update their general and specific plans, both cities are also taking part in the Authority's station area planning

691-8

grant program. The grant programs allow the cities to develop station area plans and the Authority will work cooperatively with the cities through the process. The activities being funded are distinct to each city based on their grant applications, and the cities will meet with the Authority and develop a timeline for the respective plans with the approval of the grant applications. The planning efforts by the cities will be required to consider the Urban Design Guidelines (Authority 2011) and the HST Station Area Development: General Principles and Guidelines developed by the Authority.

The Authority has no power to mandate the adoption of urban growth boundaries by the cities of Merced and Fresno. However, through the station planning grants, it is encouraging the revitalization of the areas around the new stations.

691-9

Emission estimates for 2035 did not include increased mileage requirements because the State's emission factor algorithm has not as yet been updated to include the effects of these requirements. However, the analysis conducted compares the changes between future (2035) No Build and Build conditions, and the relative effects of these requirements on future emission changes should be minor.

See MF-Response-AQ-2

691-10

See MF-Response-GENERAL-1 for a discussion of the level of detail required to be contained in the EIR/EIS. The Final EIR/EIS reflects a 15% to 30% level of design, with higher levels generally in urban areas where the Authority has undertaken continued discussions with the affected cities in an effort to reduce impacts through design, where possible. Section 15004 of the CEQA Guidelines provides: "Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs ... should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment."

Therefore, CEQA requires the Authority to undertake CEQA analysis at such time as the project is sufficiently designed to allow informed analysis. Environmental analysis cannot

Response to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

691-10

be delayed until the project is fully designed because that would preclude the lead agency from using environmental considerations to influence project design. For that reason, environmental analysis was begun with the HST project at the 15% stage of design. CEQA does not require the lead agency to suspend continued design while the environmental analysis is underway.

Further, even ignoring CEQA's clear directive, postponing the CEQA process until the completion of full design is impractical. This project is to be implemented through a "design-build" process. The Authority itself will undertake design up to the 30% level, and the selected design-build contracting team will be responsible for completing the rest of the design. The 15% to 30% design level provides sufficient detail for the Authority to undertake an informed analysis.

The Authority has not approved the Merced to Fresno section and therefore, has not selected a design-build contractor nor entered into a contract. Because of the complexity of the project and the expected detail in the bids that will be submitted by the design-build contractors competing for the contract, the Authority released a Request for Qualifications to interested design-builder contractors (and teams) in November 2011. From that, the Authority selected 5 design-build contractors for further consideration and sent each of them a Request for Proposals in March 2012. The proposals are expected to be considered by the Authority in the summer of 2012, after certification of the EIR/EIS and release of the Record of Decision. The winning design-build contractor will be contractually required to implement the pertinent mitigation measures from the EIR/EIS. The respective responsibility for mitigation measure implementation is described in the Mitigation Monitoring and Reporting Program adopted for the EIR/EIS.

691-11

The comment suggests the Authority and FRA have not provided adequate guidance and translated materials for Spanish speakers. We disagree with this comment. As the comment acknowledges, the Authority website has provided translated materials including the "Highlights" document, the Executive Summary and the Brochure. Census data indicates that in the region where the Merced to Fresno section is located, more than 50% of the population are of Hispanic or Latino origin. Notification letters on the availability of the Draft EIR/EIS, including the meeting schedule, were sent in English and Spanish to over 12,000 residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies. Spanish language

691-11

translation has been announced as available at each public workshop and hearing on the Draft EIR/EIS. These announcements made translators available to provide information to Spanish speakers and to assist Spanish speakers in making comments on the Draft EIR/EIS. At each meeting on the Draft EIR/EIS, the translator spoke individually with Spanish-speakers and answered their questions on the environmental document. Comment cards provided at the public workshops and public hearings included a Spanish language translation.

The following language was read out loud at the beginning of each comment meeting for the Draft EIR/EIS: "Before we begin, I would like to let everyone know we do have a Spanish interpreter here today. Jorge Renteria will be available for anyone that would like this information in Spanish or those who would like to provide an oral comment in Spanish." After that statement, Mr. Renteria made a brief statement in Spanish. This is the translation of what he said at each meeting: "Thank you for coming to the public hearing. We are taking public comments on the Draft Environmental Impact Report and Draft Environmental Impact Statement for the Merced to Fresno section of the California High-Speed Train. If you would like to provide oral comments in Spanish please let me know and I will translate for you. You must fill out a speaker card first and give it to one of the staff members. Let me know if you would like to have your comments translated for the record. Thank you."

Pursuant to the CEQ Environmental Justice guidance, reasonable provisions have been made so that Spanish-speakers could access a Spanish translation of the overview of the EIR/EIS and its conclusions and, if they so desired, could request additional information either at public workshops and hearings held during the EIR/EIS review period or by telephone.

The Authority and FRA appreciate the productive suggestions in the comment about how to make its documentation more accessible to Spanish speakers. These suggestions are being actively considered for improving web and non-web access to HST environmental documents.

See also MR-Response-GENERAL-17 for a list of the workshops and hearings at which Spanish translation was available, as well as opportunities for comment.

Response to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - Continued

691-12

See the response to comment #2488 regarding the level of detail available at this time. Refer to MF-Response-GENERAL-1 for a discussion of the level of detail required of an EIR/EIS. The Authority has made a good faith effort in this EIR/EIS to disclose the impacts that are known and can be known at this time. The design of the HST project in the City of Fresno has continued to be refined in consultation with the City and mitigation measures have been refined accordingly.

See also MF-Response-SOCIAL-1, MF-Response-SOCIAL-3, and MF-Response-SOCIAL-4 for discussions of how acquisitions, relocations, and property valuations will be done. The owners of properties whose access will be lost or limited as a result of the HST project will be compensated for their losses. These provisions are part of the HST project's obligations under state and federal law, as discussed in the referenced responses, and are not mitigation measures. Rural areas will be subject to these same requirements.

The EIR/EIS includes mitigation measures for impacts to communities related to noise, social, and other impacts and to agricultural properties to reduce impacts to agricultural land, but those measures are not needed in order to address acquisitions.

691-13

See MF-Response-GENERAL-7.

The Authority is not required to provide all technical reports and other supporting data with the DEIR/EIS. That information has been made available to the public on the Authority's website.

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - CARRD EIR Comments Merced-Fresno 2011 Final October 2011.pdf



California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

October 13, 2011

SUBJECT: Draft EIR/EIS Comment for Merced to Fresno

To Whom It May Concern:

CARRD (Californians Advocating Responsible Rail Design) is a grassroots, volunteer organization that has been following the California High Speed Rail Project for almost 3 years. CARRD focuses on process and seeks to engage and encourage the public in actively participating in the environmental review process.

The EIR/EIS fails to adequately describe the project.

The project description for the purposes of analyzing benefits is inconsistent with the project description with respect to costs and impacts.

When assessing the benefits of a statewide system, the project is defined with service extended to San Diego and Sacramento ("Phase 2").

In some cases the costs (with respect to the number of trains and local station impacts) are considered with respect to Phase 1 (service to San Francisco and Anaheim) and sometimes are simply considered for the Merced to Fresno segment.

For example, the analysis of net GHG emissions looks at the benefits (GHG reduction) derived from the implementation of the project on a statewide basis (Table 3.3-11 and Table 3.3-19) but only the emissions costs of construction within the Central Valley are considered. None of the regional benefits are attainable without significant additional construction throughout the state.

The costs do not address the impact to districts where a large number of businesses will be affected. This includes businesses which may be displaced, partially displaced, or disrupted either temporarily by construction or permanently by the placement of the new alignment. The EIR fails to discuss these impacts to the businesses, the communities they serve, the tax base they currently provide, or the ripple effect on their suppliers, distributors, customers, vendors, etc.

The project description fails to analyze other potential versions of the project.

AB3034 was written with the idea that one day there would be a completed Phase 1 and Phase 2 of a High Speed Rail system however, the necessary funds have not been secured and can be considered speculative at best.

As such, the project should consider the more limited benefits of the other described uses of the tracks to be built. This is akin to the Bart to Silicon Valley project. The original intent was to extend trackage from Fremont to Santa Clara. Voters improved sales tax measures to do just that. When it became known that the available revenue would not be sufficient to do the complete project, a separate EIR/EIS was commenced for the funded portion that analyzed costs and benefits of the more limited scope, not considering the still desired outcome of building the complete system.

The CHSRA has signed a funding agreement with the Federal Railroad Administration ("FRA") that requires the tracks to be used for improved San Joaquin Amtrak service if additional funding required for revenue service is not secured. The CHSRA has stated publicly that they do not intend to start revenue service until construction has either been completed to the Los Angeles Basin or to the Bay Area. This will require billions of dollars for civil engineering and for additional improvements such as electrification, trains, signaling and maintenance facilities beyond the funding currently secured.

This alternate version of project with improved Amtrak service brings with it costs and benefits that are substantially different than those analyzed in the EIR/EIS, as well as some important changes.

The improved Amtrak version not only can be reasonably anticipated, but could be considered the default option, as the complete build-out requires additional significant awards of Federal funds that are speculative. A \$108 million reserve has been established to implement it, as per the December 2010 funding agreement with the FRA.

"To comply with FRA requirement for assuring operational independence, an Interim Use Reserve has been established for the Project. The Interim Use Reserve includes a connection on each end of the initial construction section in the Central Valley with the Burlington Northern and Santa Fe Railway Company (BNSF) mainline plus associated positive train control (PTC), and interim station (i.e. Amtrak) capital costs, totaling \$108 million. The funds allocated to this Interim Use Reserve are to be 100% Federal funds. This allocation does not alter or affect the overall Federal share associated with funding this Project (see Project Budget). The amount established in this Fund is intended to be sufficient to complete the additional capital investments necessary to allow for the provision of interim Amtrak San Joaquin service in this corridor."

If at some point before construction of the Project is substantially complete, FRA determines in coordination with CHSRA that there will be a significant delay in securing the funds required to complete the investments needed to begin initial HST revenue operations, the Federal funds set aside in the Interim Reserve Fund will be utilized to cover the capital investments necessary to allow for the section to be placed in service for intercity (non-HST) passenger rail purposes (satisfying Sections 2, 4, and 13 of Attachment I A to this Agreement). CHSRA would not fund from bond funds or construct or operate, such connection prior to letting of any design/build contracts under this agreement. CHSRA shall coordinate to secure commitments by the appropriate other government agency(ies) and/or private entities that would construct and operate such connection and related service, including any associated environmental review required by law."

The project should be fully described, including the cut across tracks and changes in Amtrak station locations. There are clearly impacts associated with these provisions that are different from those in the project described in the EIR/EIS. The FRA funding agreement specifies that environmental review would be done later, but CEQA guidelines are very clear that the study of reasonably

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - CARRD EIR Comments Merced-Fresno 2011 Final October 2011.pdf - Continued

anticipated impacts can not be deferred.

In addition, the benefits would be limited to those from running two extra Amtrak trains, as described in the 2010 Application for Federal Funds (see "Redefined Merced-Fresno Design-Build Section ARRA Track 2 Scope" from August 2010, as posted on the CHSRA website").

The project does not account for maintenance costs from the Amtrak San Joaquin service alternative.

The project would cause the state to incur millions of dollars annually of maintenance costs for the tracks as per the FRA funding agreement that are not quantified nor budgeted. The analysis provided in the 2010 application ignored these costs.

From the December 2010 FRA agreement:

*"Section 14, Maintenance Responsibility and Refunds.
a. Except as otherwise provided herein, the Grantee shall ensure the maintenance of Project property to the level of utility (including applicable FRA track safety standards) which exists when the Project improvements are placed in service (as set forth in the Statement(s) of Work (incorporated into this Agreement) for a period of twenty (20) years from the date such Project property was placed in service, consistent with the satisfactory continuing control and maintenance responsibilities of 49 U.S.C. 24402(b)(1) and (c)(1) and as addressed in Section 2 above. In the event, the Project property is not maintained, as required by this section, for a period of time in excess of six (6) months, or such other period as may be mutually determined by the parties, and is not restored within a reasonable time to the level of utility which exists when the Project improvements are placed in service, the Grantee will refund to FRA a pro-rata share of the Federal contribution, based upon the percentage remaining of the twenty (20) year period that commenced when the Project property was placed in service."*

The 2008 Proposition 1A bond measure specifically forbids the use of bond funds for this purpose. The cost may result in the reduction of funds availability for rail service around the state.

Basic demographic information is inconsistent with this Merced-Fresno EIR/EIS and the Fresno-Bakersfield EIR/EIS.

Table 1-1 of the Merced-Fresno EIR provides job and population estimates, showing a projected 66% increase in jobs in Fresno County. This is inconsistent with Table 2-4 from the Fresno-Bakersfield document, which gives only a 33% increase over the same period. Both tables purport to use the same data source for 2010 data yet have different figures.

Vehicle Miles Traveled (VMT) forecasts inconsistent with projected growth.

Fresno County is projected to grow by 56.9%, yet VMT are only projected to grow by 17% (Table 1-2). This calls into question the validity of the Cambridge Systematics travel model.

The EIR is not using population estimates from the 2010 census numbers.

The 2010 census numbers are different from what was projected in the middle of the decade in the Program Level EIR. This Project Level EIR should use the latest, most accurate numbers possible when calculating potential impacts across the project. This would include ridership, local population growth, traffic, emissions, etc.

The EIR incorrectly claims that ridership estimates and future traffic forecasts have little impact on the project.

The benefits of the project are primarily driven by lower emissions from the substitution of low emission train travel for auto and air travel. These lower emissions need to offset an admittedly high level of emissions and other impacts related to construction. Thus, the lower the ridership, the higher the net impact.

The net emissions impact should be recalculated a new model being developed by Cambridge Systematics, using lower forecasts as more conservative. The work on the new model is described in the 2011-2012 Work Plan for Parsons Brinckerhoff.

The EIR presumes without any evidence that there will be little growth induced sprawl resulting from this project.

This is wholly unsubstantiated within the document. The EIR references the San Joaquin Valley Blueprint.

Pursuant to the San Joaquin Valley Blueprint, land use plans would encourage infill and higher-density development in urban areas and concentration of uses around transit corridors, which would help reduce the conversion of Important Farmland. . .

By offering a new transportation option, it provides an opportunity to create transit centers in the central business districts, where mixed land uses (residential, commercial, and business uses) and urban densities are best suited. If the communities zone to take advantage of this increase in land values, the growth can be redirected to limit low density development, which has been consuming large amounts of land area. There is an opportunity to encourage walkable, more concentrated development patterns to meet new growth demands and reduce the rate and occurrence of low density, which erodes the valuable land resources. Providing opportunities for focusing future development on land that is already in non-agricultural uses would reduce the amount of farmland converted to uses other than agriculture. Consistent with the preferred B+ (Blueprint) Scenario, which incorporates the HST system, farmland conversion would be reduced from 327,000 acres (the business as usual, or "A" Scenario) to 209,000 acres, a reduction of 118,000 acres. The project's expected contribution to this reduction would be a potential beneficial effect under each HST alternative. [3.14 Agricultural Lands]

However, the Blueprint is a wholly voluntary set of strategies that municipalities can follow if they wish.

The Blueprint Guidance Framework is made up of a set of 11 strategies intended to assist local agencies with land use authority who wish to voluntarily implement the Valley Blueprint....Acceptance of the Guidance Framework will not establish any laws, ordinances or regulation, nor will it carry out any existing law, ordinance or regulation, nor will it establish any new mandatory level of review of any county or city plan or project plan.[source: SAN JOAQUIN VALLEY BLUEPRINT ROADMAP GUIDANCE FRAMEWORK August 31, 2011]

There is absolutely no assurance that any such efforts will be made or will be successful.

Typically new transportation projects encourage growth. Merced and Fresno are hoping to attract residents who would work in the Bay Area but would like more affordable housing. For cities with

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - CARRD EIR Comments Merced-Fresno 2011 Final October 2011.pdf - Continued

strong existing transit networks, the addition of high speed rail to a transit hub can help strengthen those networks. Neither Fresno nor Merced has such a system in place. Thus there can be no expectation that future growth would be more compact as a result of this project.

The EIR should acknowledge the potential for additional farmland impacts and propose mitigations.

The EIR states that the CHSRA has no ability to determine local land use decisions.

While the CHSRA does not directly control local land use decisions, many governmental agencies have been able to exert significant impact over others using various tools. For example, the Federal government was able to get states to increase their legal drinking ages by withholding transportation funds from states that did not change their laws. More recently, the Federal government used "Race to the Top" funds for education to get large changes in education policy.

In order to mitigate the risk of additional sprawl and loss of farmland, the Authority should make a building a station contingent upon significant changes in land use provisions, such as urban growth boundaries.

The EIR fails to use updated or predicted future emissions savings.

The EIR fails to use updated assumptions for auto emissions for 2035, as per page 6-1 of the Air Quality Technical Memorandum. It asserts that doing so would not affect the analysis, but this may have only considered standards through 2016, although in July 2011 much more aggressive increases were announced through 2025 (EPA, EPA-420-F-11-027/July 2011). It is difficult to understand how mandatory fuel standards that will increase fuel efficiency by 250% will not have an impact on the analysis. The analysis should be redone using updated standards.

In addition, the analysis has assumed a high level of ridership. The analysis should be conducted with a lower and more conservative ridership and passenger load forecast.

A reduction of 10% of VMT in the project area seems implausibly high, given the project is primarily addressing infrequent long distance travel. Please provide additional technical information showing how this number was calculated.

The Authority seems to be moving ahead with engineering without actually considering comments.

From the July 2011 PMT Report from Parsons Brinckerhoff states: "Procedure for approval of Caltrans resources to support the accelerated schedule for 30% PE Design needs to be finalized. The first ARRA section includes re-alignment of 9,000ft of SR 99 which requires significant Caltrans support/review. With the need to complete the ARRA 30% PE in October, this is urgent."

(Note a full copy of the July 2011 PMT report was submitted as part of the Administrative record by Rita Wespi as a separate comment as the file sizes are too large).

According to this report, the PE (Preliminary Engineering) would be completed at the 30% in October, yet the deadline for the comments is October 13th, 2011. Typically, 30% engineering is something that would be put out to bid, which means that the Authority seems poised to go out to

bid on a project that hasn't gone through adequate environmental review.

The Authority fails to guide Spanish speakers to where information is available in Spanish.

The front page of the Authority's website has no signage directing Spanish speakers to a location on the website where information is available in Spanish. There should be a button or something that guides Spanish speakers to a place where information is available in Spanish. Please see the attached screen shot of the main page of the CAHSRA website as of October 13, 2011. In order to access information in Spanish, users would have to know to go to Library, then to Project Section, then to Merced to Fresno and then search among the myriad of documents to find the section titled *Outreach Documents* to then find the document called *Merced to Fresno Factsheet (Spanish)*. It is not reasonable to expect that a Spanish speaker would be able to go through all of that to find information in Spanish. Even an English speaker attempting to assist a Spanish speaking acquaintance would find this challenging to navigate.

The Authority has failed to provide translation of key documents necessary for Spanish speakers to be able to comment adequately on this document.

There are exactly 3 documents available for Spanish speakers to review related to the Merced to Fresno segment. Under the Library Section, under Studies and Reports, Merced to Fresno Draft EIR/EIS Statement and then Educational Materials, the following appears:

Educational Materials	
Highlights of the Draft Environmental Impact Report/Statement – English	975 kb
Highlights of the Draft Environmental Impact Report/Statement – Spanish	2.61 MB
Merced-Fresno California High-Speed Train Project Draft Environmental Impact Report/Statement Brochure – English	2.89 MB
Merced-Fresno California High-Speed Train Project Draft Environmental Impact Report/Statement Brochure – Spanish	1.34 MB
Press Release: California High-Speed Rail Project Advances Toward Construction	
Merced-Fresno Executive Summary – Spanish	2.28 MB

The documents available for Spanish speakers offer only a very general overview of the project itself. The Merced-Fresno Executive Summary is the largest Spanish document available at 75 pages. However, given that the English version of the complete EIR is thousands of pages, this is completely inadequate in terms of understanding the real ramifications of the project. For example, a search of the word noise or noises ("ruido" or the plural "ruidos" in Spanish) in this Executive Summary only finds the word 48 times. By comparison, opening the Noise and Vibration section of the English EIR and searching for the word noise yields 621 hits. Also for comparison, doing a search of the word "noise" in the English version of Volume I, Section 3.12 Socio-economics,

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - CARRD EIR Comments Merced-Fresno 2011 Final October 2011.pdf - Continued

Communities, and Environmental Justice gets 40 hits.

The Authority failed to translate the Table of Contents into Spanish which its own brochures highlight as a key place for readers to gain an understanding of the overview of the DEIR/EIS.

The report titled "Highlights of the DEIR/EIS in Spanish only has 10 pages. The Merced-Fresno California High Speed Train Project Draft Environmental Impact Report/Statement Brochure in Spanish is 2 pages. This document also contains the following (in Spanish) - translated here:

How to Read the DEIR/DEIS

A DEIR/DEIS for a project of this size may be too long for someone to read the entire document. A suggestion would be to read through the table of contents to identify sections that interest you. Reading the executive summary is also recommended because it provides an overview of the entire document. After viewing the executive summary and the table of contents, it will be easier to choose which sections you are most interested in reading.

This is a direct translation from the English brochure, however the Authority does NOT provide a Table of Contents in Spanish for Spanish speakers to review. In addition, even if a Spanish speaker was then interested in reading a section in more detail, it is not easy for a person to obtain information in Spanish. In fact, the brochure tells the reader (in Spanish) the following:

Where can I find the Merced to Fresno DEIR/DEIS?

All the listed locations will have a printed copy of the Draft EIR/EIS. Some also will have a digital copy on CD-ROM. The Draft EIR/EIS, and related documents, are available at the Authority's website www.cahighspeedrail.ca.gov and the FRA's website www.fra.dot.gov.

As noted previously, when one goes to the Authority website, it is not clearly marked where Spanish speakers should go to get more information. The same problem exists on the FRA's website.

The Authority has failed to translate the list of Resources/Sources cited in the DEIR/EIS in to Spanish.

Volume I, Section 10 is a 64 page list of all of the Resources/Sources used in creating this document. The Authority has failed to translate any of this information into to Spanish such that a Spanish speaker could ask to have relevant material translated in order to better understand the report and respond appropriately.

The Authority has pushed too many decisions to the next level of environmental review, making it impossible for the public and decision makers to consider the potential impacts and mitigations and adequately comment on the DEIR/EIS.

For example, in Fresno, on the frontage streets which will be closed near the Shaw overpass, the DEIR does not disclose what will happen to the properties which are not part of the alignment but will lose their access. It does not describe what will happen to properties which the proposed alignments will partially run through - are these partial takes? The DEIR does not describe in sufficient detail the mitigations to larger properties which will be bisected by the proposed alignments.

The Authority has not allowed enough time for the public to review such a voluminous document and its numerous appendices.

The 45 day review period that was given to review the Merced to Fresno DEIR/EIS is woefully inadequate given the extremely vast nature of the project, the complexity of the impacts and mitigations over a wide variety of communities and the numerous technical appendices.

The Authority failed to provide the Technical Reports on the CD-ROM version of the Merced to Fresno DEIR/EIS.

CARRD requested and received a CD-ROM version of the Merced to Fresno DEIR/EIS which does NOT include the Technical Reports listed on the website. The missing files are:

Technical Reports	
Transportation Technical Report	31.8 MB
Transportation Technical Report Appendices A-E	19.2 MB
Air Quality Technical Report	3.21 MB
Air Quality Technical Report Appendices A-H	5.05 MB
Noise and Vibration Technical Report	5.92 MB
Noise and Vibration Technical Report Appendices A-D	40.3 MB
Biological Resources and Wetlands Technical Report	9.19 MB
Biological Resources and Wetlands Appendices A-F	580 kb
Special-Status Plant Survey Report	2.4 MB
Special-Status Plant Survey Report Appendices A-G	27.9 MB
Hydraulics and Floodplain Technical Report	11.7 MB
Hydraulics and Floodplain Technical Report Appendices A and B	8.46 MB
Stormwater Management Plan	17.9 MB
Geology, Soils, and Seismicity Technical Report	19.5 MB
Hazardous Materials/Wastes Technical Report	3.15 MB
Hazardous Materials/Wastes Technical Report Appendix A	30.7 MB
Hazardous Materials/Wastes Technical Report Appendix B	15.9 MB
Hazardous Materials/Wastes Technical Report Appendix C	9.65 MB

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - CARRD EIR Comments Merced-Fresno 2011 Final October 2011.pdf - Continued

Community Impact Assessment	10.1 MB
Aesthetics and Visual Quality Technical Report	8.59 MB
Aesthetics and Visual Quality Technical Report Appendices A-C	20.8 MB
Wetlands Delineation Report	2.42 MB
Wetlands Delineation Report Appendix A	583 kb
Wetlands Delineation Report Appendix B	4.17 MB
Wetlands Delineation Report Appendix C (redacted)	14 kb
Wetlands Delineation Report Appendix D	1008 kb
Wetlands Delineation Report Appendix E (redacted)	22 kb
Wetlands Delineation Report Appendix F	93 kb
Wetlands Delineation Report Appendix G	53 kb
Wetlands Delineation Report Appendix H	62 kb
Wetlands Delineation Report Appendix I	2.02 MB
Wetlands Delineation Report Appendix J	125 kb
Wetlands Delineation Report Appendix K	169 kb
Wetlands Delineation Report Appendix L	57 kb
Wetlands Delineation Report Appendix M (redacted)	68 kb
Check Point A	
Check Point A Purpose & Need	1.83 MB
Check Point A EPA Concurrence Letter January 20, 2011	28 kb
Check Point A USACE Concurrence Letter February 2, 2011	494 kb
Check Point B	
Check Point B Summary Report	11.2 MB
Check Point B Transmittal Letter	324 kb
Check Point B EPA Concurrence Letter June 24, 2011	518 kb
Check Point B USACE Concurrence Letter June 14, 2011	48 kb
Check Point B Attachment 1-1 EPA Concurrence Letter April 30, 2008	43 kb

Check Point B Attachment 1-2 USACE Concurrence Letter May 8, 2008	163 kb
Check Point B Attachment 2 Annotated Slides	5.34 MB
Check Point B Attachment 3-1 Aquatic Resources	111 kb
Check Point B Attachment 3-2 Figure 1	2.37 MB
Check Point B Attachment 3-3 Figure 2a	1.88 MB
Check Point B Attachment 3-4 Figure 2b	1.87 MB
Check Point B Attachment 3-5 Figure 2c	148.7 MB
Check Point B Attachment 3-6 Figures and Tables	1.21 MB
Check Point B Attachment 4 404 B1 Table	71 kb
Check Point B Attachment 5 Preliminary Alternatives Analysis Report	57.5 MB
Check Point B Attachment 6 Supplemental Alternatives Analysis Report	2.32 MB
Check Point B Supplemental Data for the 404 Alternatives Analysis	226 kb
Capital Cost Estimate Report	1.66 MB

We believe this information was added later to the website, however, we never received notification. This information is very important for those commenting on this project. We recommend that the Authority put out a notice to the public that this information is now available and that they be allowed an additional 45 day comment period to analyze this information.

Sincerely,
Elizabeth Alexis
Nadia Naik
Rita Wespi
Co-Founders, CARRD
Californians Advocating Responsible Rail Design
www.calhsr.com
650-539-8284

ATTACHMENTS
Progress Reports
FRA 2010 Funding Agreement
Attachment 1A of the FRA 2010 Funding Agreement
FRA Funding Application
Screenshot of CAHSRA website today
Screenshot showing Merced to Fresno Factsheet (Spanish)

Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - 691_CAARD_WebAttachments.pdf

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CALIFORNIA High-Speed Rail Authority

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Welcome

This is the online home for California's high-speed train project. Here you'll find all the information you need—about its planning and construction and how your voice can be heard on this landmark project for our state.

Current Draft Environmental Reports

Draft Environmental Impact Report/Statement: Merced to Fresno

Read the Summary, Highlights or to submit a comment on the Merced to Fresno report.

Draft Environmental Impact Report/Statement: Fresno to Bakersfield

Read the Summary, Highlights or to submit a comment on the Fresno to Bakersfield report.

(UPDATE: Formal public comment period: Aug. 15 - Oct. 13, 2011)

Get Started

To learn the basics and benefits of building California's high-speed train, visit our project overview.

Key Facts

The Big Picture	California Benefits
Opportunity and Vision	Jobs
Environmental Review	

Business and Job Opportunities

Get more information on employment or contracting opportunities with the high-speed train project.

Explore the Route

San Francisco to Los Angeles in 2 hours and 40 minutes. LA to San Diego in 80 minutes.
Where will you go?

What's New

- Employment Opportunity: Northern California Regional Director 10/11/2011
- Press Release: California High-Speed Rail Authority Chairman Issues Statement: 10/10/2011
- Request for Proposal HSR11-08, Statewide Media and Communications 10/07/2011
- Press Release: High-Speed Rail Authority to Issue Revised Environmental Report for Fresno to Bakersfield Section: 10/05/2011
- Press Release: High-Speed Rail Authority Appoints Legislative Liaison: 10/04/2011

Conversations

**CA High-Speed Rail
CaHSRA**

Read this today while on your plane or train – check it out: @MilkenInstitute Review: "Super Trains" <http://Lco/4shi0YzE>

"Fast/reliable pass rail is crucial to boosting manufacturing, spurring growth, and keeping America competitive..." <http://Lco/oMoR7VuJ>

"This nation cannot afford to move a 21st century economy on a 20th century transportation network." <http://Lco/oMoR7VuJ>

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Attachment to Submission 691 (Nadia, Rita, Elizabeth Naik, Wespi, Alexis, CARRD, October 13, 2011) - 691_CAARD_WebAttachments2.pdf

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Introduction

Glossary

Project Sections

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San Jose - Merced

Merced - Fresno

Fresno - Bakersfield

Bakersfield - Palmdale

Merced - Bakersfield (old)

Palmdale - Los Angeles

Los Angeles - Anaheim

Los Angeles - San Diego

Sacramento - Merced

Altamont Corridor

Library Topics

Funding

Studies and Reports

Quick Search

Type in a keyword to search for documents.
Then you can filter the results by Category.

Merced - Fresno

Draft Environmental Impact Report / Statement

Draft Environmental Impact Report/Statement: Merced to Fresno 08/09/2011

Supplemental Alternative Analysis

Merced to Fresno Alternatives and Design Options 05/17/2011

Merced to Fresno Supplemental AA Board Presentation 05/05/2011

Merced to Fresno Supplemental AA Executive Summary 05/05/2011

Merced to Fresno Supplemental AA Report 05/05/2011

Merced-Fresno Supplemental AA Executive Summary 08/13/2010

Merced-Fresno Supplemental Alternatives Analysis Report 08/05/2010

Merced-Fresno Supplemental Alternatives Analysis Presentation 08/05/2010

Preliminary Alternative Analysis

Merced-Fresno Preliminary Alternatives Analysis Appendix A 04/14/2010

Merced-Fresno Preliminary Alternatives Analysis Appendix B 04/14/2010

Merced-Fresno Preliminary Alternatives Analysis Report 04/08/2010

Merced-Fresno Preliminary Alternatives Analysis Executive Summary 04/08/2010

Merced-Fresno Preliminary Alternatives Analysis Board Presentation 04/08/2010

Scoping

Merced to Fresno: Draft Scoping Report 01/27/2010

Merced to Fresno: Scoping Report Appendixes 01/27/2010

Notice of Intent / Notice of Preparation

Merced to Fresno: Notice of Preparation (NOP)

Merced to Fresno: DIR/DES Notice of Intent (NOI)

Public Outreach Materials

Merced to Fresno Public Meeting Notice 06/10/2011

Merced to Fresno Factsheet 06/10/2011

Merced to Fresno Factsheet (Spanish) 06/10/2011

June 2011 Public Meeting Boards 06/10/2011

Central Valley High-Speed Rail Information

Merced Public Workshop Presentation - April 2010 04/02/2010

Merced to Fresno April 2010 Media and Merced Public Information Meeting Notice 04/23/2010

Merced to Fresno Fact Sheet 12/11/2009

Merced to Fresno March 16, 2010 Fresno Public Information Meeting Notice 03/04/2010

Merced to Fresno Public Information Meeting Presentation 12/17/2009

Merced to Fresno: City of Merced Public Information Meeting, October 5, 2010 10/05/2010

Merced to Fresno: Merced Station Concepts 10/01/2010

Merced to Fresno: Public Information Meeting Boards 10/05/2010

Merced to Fresno: Right of Way Evaluation Boards

Technical Material and Memorandum

Merced to Fresno Section: Agency Coordination Plan

Submission 695 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design,
October 13, 2011)

Merced - Fresno - RECORD #695 DETAIL

Status : Action Pending
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List :

695-1

**Stakeholder
Comments/Issues :**

Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers March 2011 to July 2011.

To summarize -- since there were some technical difficulties with submitting these comments to the Authority where I received a number of "undeliverable email - attachments are too big for recipient" error messages -- this is the final email of a series of 9 total, broken down as follows:

January 2009 to March 2009

April 2009 to June 2009

July 2009 to September 2009

October 2009 to December 2009

January 2010 to June 2010

July 2010 to October 2010

November 2010 to December 2010

January 2011 to February 2011

March 2011 to July 2011

If you have not received all 9 emails, please let me know immediately.

Regards,

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com

EIR/EIS Comment :

Response to Submission 695 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

695-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 718 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design, October 13, 2011)

Draft 2012 Business Plan - RECORD #718 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Add to Mailing List :

718-1

Stakeholder Comments/Issues : Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers July 2010 to October 2010.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com

Response to Submission 718 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

718-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 719 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design,
October 13, 2011)

Draft 2012 Business Plan - RECORD #719 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Add to Mailing List :

Stakeholder Comments/Issues : Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers January 2010 to June 2010.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com

719-1

Response to Submission 719 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

719-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 720 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design, October 13, 2011)

Draft 2012 Business Plan - RECORD #720 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Add to Mailing List :
Stakeholder Comments/Issues : Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers October 2009 to December 2009.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com

720-1

Response to Submission 720 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

720-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 722 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design, October 13, 2011)

Merced - Fresno - RECORD #722 DETAIL

Status : No Action Required
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : rwespi@gmail.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List :
Stakeholder
Comments/Issues :

Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers July 2009 to September 2009.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com

EIR/EIS Comment :

Attachments : 722_CARRD_Attachments_10132011.pdf (15 mb)

Response to Submission 722 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

722-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 723 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design,
October 13, 2011)

Draft 2012 Business Plan - RECORD #723 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Add to Mailing List :

Stakeholder Comments/Issues : Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers April 2009 to June 2009.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com *

723-1

Response to Submission 723 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

723-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 724 (Rita Wespi, CARRD - Californians Advocating Responsible Rail Design, October 13, 2011)

Draft 2012 Business Plan - RECORD #724 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rita
Last Name : Wespi
Professional Title :
Business/Organization : CARRD - Californians Advocating Responsible Rail Design
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : ritawespi@calhsr.com
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : Please accept the attached files as comments to the Merced to Fresno AND Fresno to Bakersfield draft EIRs. They are the Program Manager's Monthly Progress Reports from January 2009 through July 2011. CARRD would like them entered into the record for both Central Valley draft EIRs.

Because the files are too large to send in a single email, this will be a series of emails.

This attachment covers January 2009 to March 2009.

Rita Wespi
CARRD - Californians Advocating Responsible Rail Design
Email: ritawespi@calhsr.com
Web: www.calhsr.com *

724-1

Response to Submission 724 (Rita Wespi, CARRD - Californians Advocating Responsible Rail
Design, October 13, 2011)

724-1

These files have been put into the record for the Merced to Fresno EIR/EIS.

Submission 865 (Louis D. Cavalletto II, Cavalletto Ranches, October 10, 2011)

Cavalletto Ranches
22483 ROAD 20 1/2
CHOWCHILLA, CA 93610
(559) 665-1071

10-10-11 P03:30 RCVD
RECEIVED

Cavalletto Ranches
22483 ROAD 20 1/2
CHOWCHILLA, CA 93610
(559) 665-1071

10-05-2011

To whom it may concern,

I am a Land owner farming Almonds and Walnuts in an area that is proposed for the high speed rail. I live on the ranch; the proposed route passes within 200 feet of my personal home. I don't know of anyone who would like to have a train passing in front or to the side of their home every 15 minutes. I personally have been farming on this property for the past 50 years. My family has been farming in California for 121 years. I have several questions regarding the project and would appreciate some answers regarding the project's impact on surrounding farm land, as the rail will impose additional cost to me as well as noise. I would also like to bring to the table some pertinent farming information to be considered.

865-1 Cold air at frost time follows old sloughs or lower elevations the same as water does. Frost damage usually occurs every three years. Approximate cost on a 40 acres piece would be \$266,000 on a twenty year basis. If these areas are blocked by the rail these areas behind the Dam will be several degrees colder. For example 1/2 hour at 29 degrees would equal 1/4 crop loss. 1/2 hour at 27 degrees would equal 100 % crop loss.

865-2 Will the rail right of way be fenced? If it is I would need 35-50 FT. to build new roads for turning as well as access. All of my roads are oiled for all purpose weather entry and also for turning. The cost of building a new road would be in the area of \$30,000. To keep the roads oiled and maintained could cost \$25,000 a mile times 6 1/2 miles.

865-3 One of the proposed rails would cross over a Slough that feeds into my irrigation Pond. During winter months and sometimes even in the summer months the slough will back up with water. The water can range from 2 1/4 ft. deep to 3 ft. deep. What provisions would be made to accommodate this situation?

865-4 Nut trees are affected by dust. Dust causes the trees to have severe defoliation at times. It seems some vortex at high speeds will cause dust. How will the rail system control there dust? Controlling the Mite that would be encouraged by the dust would cost \$10,000 a year to spray in twenty years that would be an additional cost to me of \$200,000.

865-5 If there are to be maintenance roads, how will the dust and weeds be controlled?

865-6 How will winter rain drainage be controlled on the curves and angles in connection to the rail? And existing fields surrounding the rail? Rerouting drainage could easily be a \$20,000 expense to my ranch.

865-7 How are main irrigation lines able to pass thru the rail system to connect to other land parcels, as they currently do now? Who would be responsible for the irrigation line upkeep? I would assume the farmer would not have access. The cost of redistribution of the lines would cost \$75,000.

865-8 In some parts of the rail line there is a 7ft. elevation variable as well as a ditch that follows an old Slough. My question is this, has the difference in current elevation levels been taken into consideration as well as the drainage concerning the different elevations? Along with the service road? Where is the dirt coming from to create the elevation?

865-9 Drive distance are increased by lack of immediate access to the parcels. Management, irrigation, checking frost, spray equipment pesticide, herbicide and harvesting equipment as follows: shakers, sweepers, pick up machines and the transporting of the crop to our own huller and Sheller located on the property. Does this not add to emissions and cost of operations? The additional cost to not have a clear path to my property could easily cost and additional \$300.00 an acre times 1,800 acres in a twenty year span would be a cost of \$10,800,000.

865-10 How will I access the twelve or so blocks of farming parcels? What will happen to small parcels cut in two that only leave 2-5 acres on either side of the tracks? Sometimes these small parcels are different varieties of nuts.

By the amount of rails passing and the 150-200 MPH. What will happen to the flight patterns of the Bee's used in pollination of Almonds? I spend about \$450,000.00 a year on pollination costs. Has your answer been backed by any scientific studies? Flight pattern of the Bee's would cause a decrease in yield. A 10% decrease on a 2,000 pound yield would equal 200 pounds @\$ 1.75 times 230 Acres would equal \$200,000 a year reduction in my production. Over twenty years that would equal \$4,000,000.

Submission 865 (Louis D. Cavalletto II, Cavalletto Ranches, October 10, 2011) - Continued

Cavalletto Ranches
22483 ROAD 20 1/2
CHOWCHILLA, CA 93610
(559) 685-1071

865-11 I am aware of the public's opinion concerning all Chemical sprays. What is the rail ways plan for having trains pass thru farm land that is being sprayed with either restricted or non-restricted Chemicals? With the amount of trains planned to run at high speeds, what kind of barrier will be needed to protect not only the passenger but the farmer as well? Building barriers to prevent sprays from drifting to right of ways along with flagging and delays could cost upwards of \$20,000. For 3/4 of a mile barrier. The cost of no sprays would be \$2.5 million a year times 20 years.

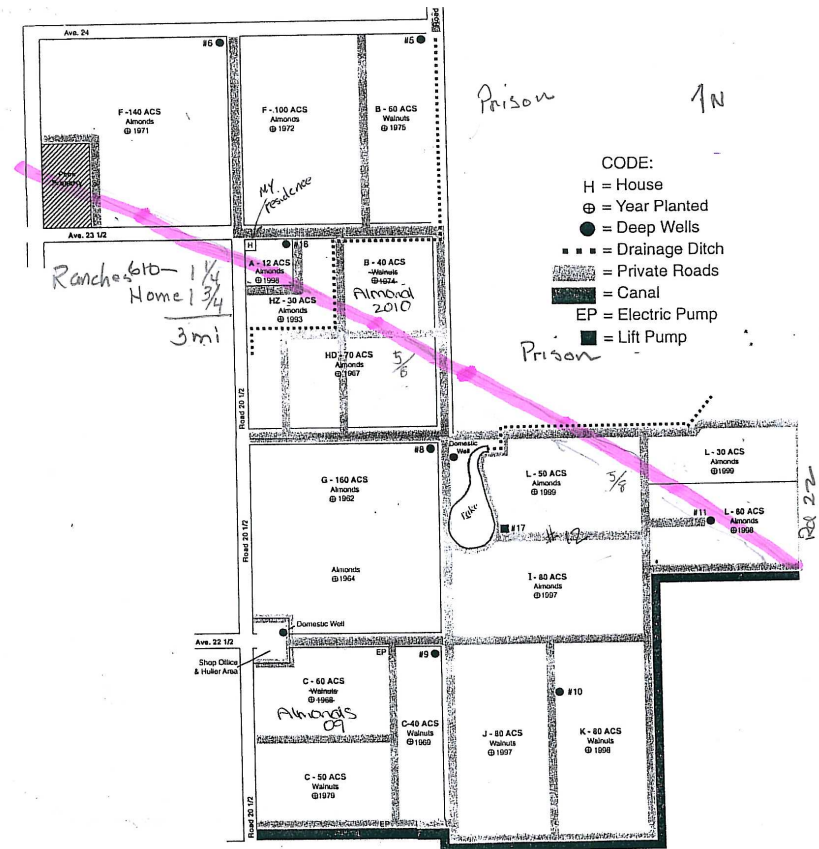
865-12 Farming contingent parcels is the most convenient and most cost effective method in farming. The proposed Avenue 24 wye or and hybrid takes roughly 3 miles of my property with many angles and curves. The two page map shows two different north and south junctures of this Avenue 24 wye. Devastating this property. It separates two large parcels into many smaller parcels.

In cutting these ranches into smaller pieces the land value will have a significant decrease in value of approximately \$5 million dollars.

865-13 I favor Avenue 21 wye route or the proposed 99 UPRR .

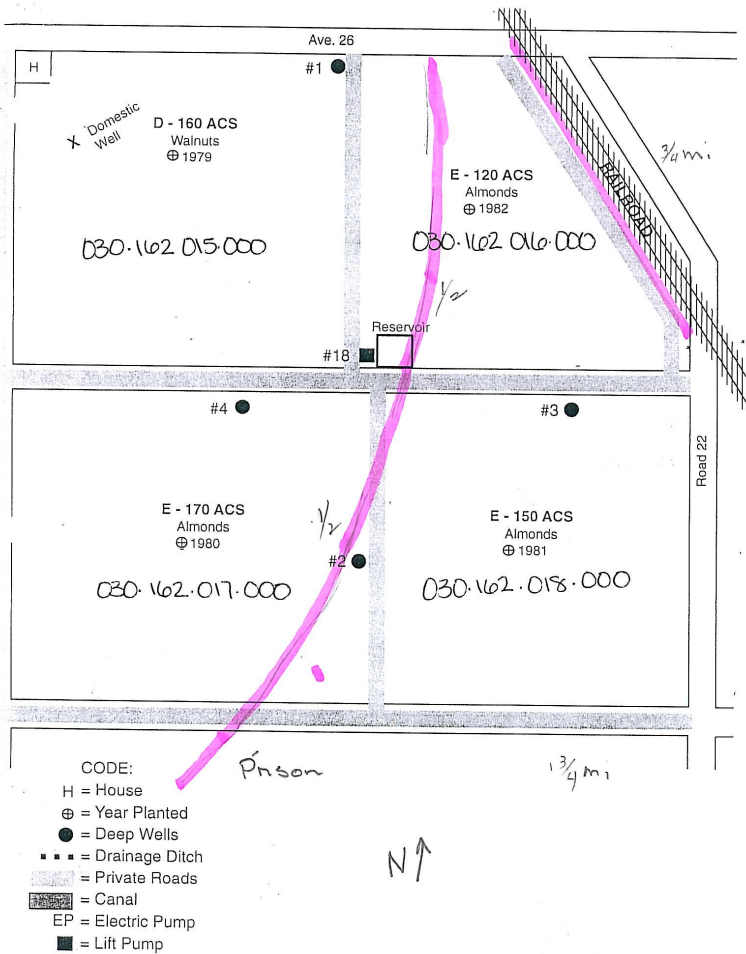
I strongly urge you to not consider the Avenue 24 wye option or it's hybrid as a proposed route.

Sincerely,
Louis D. Cavalletto II
Louis D. Cavalletto II



Cavalletto Ranches
22483 Road 20 1/2
Chowchilla, CA 93610

Submission 865 (Louis D. Cavalletto II, Cavalletto Ranches, October 10, 2011) - Continued



Cavalletto Ranches
22483 Road 20 1/2
Chowchilla, CA 93610

Response to Submission 865 (Louis D. Cavalletto II, Cavalletto Ranches, October 10, 2011)

865-1

Impacts related to shading are considered to be minor. New roadway crossings over the proposed HST would be about 30 feet high on average; embankments would have 2:1 slopes or flatter. Therefore, adjacent crops would be greater than 60 feet from the top of the embankment at its highest point. At this cropping distance, changes to the amount of sunlight received would be minimal, and temperature changes would likewise be minimal. However, if there were shading effects, these effects would be greatest on crops planted on the north side of east-west trending roadway crossings. Where roadways run north-south, and crops are located to the east or west of proposed roadway crossings, adequate sunlight should be available to supply the needs of all crops.

Specifically with regard to almonds, photosynthesis occurs at the maximum rate in almond trees at one-half full sunlight; that is, when light levels are one-half the intensity of that at solar noon (University of California, 1996). Full sunlight only reaches leaves on the outer surface of almond tree canopies, with inner leaves being partly shaded by outer leaves. Therefore, most leaves on mature almond trees function well with relatively little light. It is unlikely that shading effects from HST embankments would reduce sunlight received by adjacent almond trees to levels that would adversely affect photosynthesis.

With regard to grapes, sunlight and temperature are important parameters for optimum fruit ripening, and absolute requirements depend on the variety of grape being grown. Varietal differences in climatic requirements are demonstrated by the fact that grapes are grown in most areas of the state, including the Sierra foothills, coastal regions across the state, fog-affected inland regions such as Lodi, and the San Joaquin Valley. Importance of light on grape berry development and quality was shown by Dokoozlian and Kliever (1996) for 'Cabernet Sauvignon' and 'Pinot noir' grapes. As mentioned above, shade effects are expected to be minimal for the Merced to Fresno section of the HST; if minor shading effects to grape fruit quality were to occur, these effects would be limited to vines grown closest to the embankments. On a field scale, effects would likely be negligible.

A small period of shading during the growing season may be beneficial to certain crops. This could occur through moderation of transpirational water loss, heat effects, and sunburn. Additionally, roadway overpasses may provide a wind break, which may

865-1

be beneficial to growth and yields of certain crops.

865-2

The HST alignment would be fenced when it is at grade (i.e., not on a bridge or viaduct). In an agricultural area, the Authority expects that landowners would need to make various adjustments in order to continue operating with the new (generally 100 foot-wide) alignment adjacent to their fields. The Authority understands that fields are unlikely to be farmed to the HST fenceline because of the need to provide room for equipment turning movements. The cost of creating these new turning areas and the associated losses in farmable area will be addressed in the right of way acquisition process. For information about this process, see the pamphlet *Your Property, Your High Speed Rail*. Also see MF-Response-AGRICULTURE-2.

865-3

See MF-Response-WATER-2.

865-4

See MF-Response-AGRICULTURE-5.

865-5

Section 3.3.2.3, Air Quality Regional and Local Laws, Regulations, and Orders, discusses fugitive dust control measures that would be required, and Section 3.7.6.3 Biological Resources and Wetlands Project Mitigation Measures discusses mitigation measures that would be used to control noxious weeds. These requirements would apply to the maintenance roads.

865-6

See MF-Response-WATER-2.

865-7

See MF-Response-AGRICULTURE-4 and MF-Response-WATER-1. The owner of irrigation lines would continue to be responsible for maintenance of their facilities.

Response to Submission 865 (Louis D. Cavalletto II, Cavalletto Ranches, October 10, 2011) - Continued

865-8

Drainage requirements and features are discussed in Section 3.8, Hydrology and Water Resources. Drainage will be provided for service roads.

See MF-Response-WATER-2 and MF-Response-WATER-3.

865-9

See MF-Response-AGRICULTURE-2, MF-AGRICULTURE-3, and MF-Response-TRAFFIC-2.

865-10

See MF-Response-AGRICULTURE-5.

865-11

See MF-Response-AGRICULTURE-5.

865-12

See MF-Response-AGRICULTURE-2.

865-13

MF-Response-GENERAL-10 and MF-Response-GENERAL-16.

Submission 614 (Baker Laura, Center on Race, Poverty & the Environment, September 21, 2011)

Sep. 21. 2011 1:45PM

No. 0723 P. 1



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

09-21-11P02:10 RCVD

To: Chairperson Umberg and Board Members		From: Laura Baker lbaker@cipe-ej.org	Phone 661 720 9140 Fax 661 720 9483
Fax: 916-322-0827		Pages: 3 including this cover sheet	
Phone: 916-324-1541		Date: 9/21/11	
Re: Extension of Comment Period for Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents			
<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Sep. 21. 2011 1:45PM

No. 0723 P. 2



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

September 21, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento CA 95814-3359

RE: Extension of Comment Period for Merced to Fresno And
Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

The Center in Race, Poverty & the Environment (CRPE) submits these comments on behalf of itself and low income communities and communities of color throughout the San Joaquin Valley.

CRPE requests that the Board take action to provide an adequate comment period for the Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents. A comment period extension will provide members of the public and those directly impacted by the proposed project time to respond and comment on the two Draft EIR/EIS documents released by the Authority on August 9, 2011. Specifically, we are requesting a six-month review period, extension until February 2012.

This extension is essential given that this is a statewide project and as such, CRPE and other members of the public must review well more than 17,000 pages of the Draft EIR/EIS in order to adequately comment on the Merced to Fresno and Fresno to Bakersfield segments.

We understand that the EIR/EIS was released August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 days period is the minimum under CEQA guidelines § 15105(a). Later staff granted an additional 15 days for review, for a total of 60 days with the comment period now ending October 13, 2011 which corresponds with the end date of the State Clearinghouse review period for the Proposed California High-Speed Train System.

It makes little sense that the program EIR/EIS for the State Clearinghouse had a 6.5 month review period, while this more detailed program EIR/EIS has been afforded only 2 months.

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Submission 614 (Baker Laura, Center on Race, Poverty & the Environment, September 21, 2011) - Continued

Sep. 21. 2011 1:45PM

No. 0723 P. 3



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

614-1

Having an adequate opportunity to provide comments is not only required by CEQA but of tantamount importance considering that this project is the largest and most expensive infrastructure project in the history of the State of California.

Because there is no regular Board meeting scheduled prior to the current comment deadline of October 13, 2011, we request the Authority immediately schedule a special meeting of the Board to directly address this pressing request for a six-month review period.

The Authority ought to take seriously its responsibility to make sure that relevant information (like that provided from local residents) about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high speed rail, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution. Unless it is extended, the Authority will not receive all relevant information, before making a decision on the largest public works project ever proposed in the State of California.

In conclusion, we respectfully request the Authority for a six-month period to comment on environmental documents.

Sincerely,

Laura Baker
Staff Attorney
The Center on Race, Poverty & the Environment

cc: Ken Alex, Senior Advisor of OPR
R Vanark, ED HSR
Joseph Szabo, DOT

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUCY M. COLE (1948-2009) EXECUTIVE DIRECTOR 1989-2009

Response to Submission 614 (Baker Laura, Center on Race, Poverty & the Environment,
September 21, 2011)

614-1

See MF-Response-GENERAL-7.

Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011)

Merced - Fresno - RECORD #700 DETAIL

Status : Action Pending
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Laura Baker &
Last Name : Phoebe Seaton
Professional Title :
Business/Organization : Center on Race, Poverty & the Environment and California Rural Legal Assistance, Inc.
Address :
Apt./Suite No. :
City :
State :
Zip Code : 00000
Telephone :
Email : lbaker@crpe-ej.org
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : Dear Chairperson Umberg and Board Members:
Please find the attached comments from California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment. Should you have any questions, concerns, or problems with the attachment please do not hesitate to contact me.

Thank you,

Laura Baker

EIR/EIS Comment : Yes
Attachments : HSR DEIR Comment Letter.pdf (130 kb)



October 13, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359
Fresno_Bakersfield@hsr.ca.gov
Merced_Fresno@hsr.ca.gov

RE: Draft EIR/EIS Comments

Dear Chairperson Umberg and Board Members:

California Legal Rural Assistance, Inc. (CRLA) is a nonprofit legal services program which provides more than 40,000 low-income rural Californians with free legal assistance and a variety of community education and outreach programs. The Center on Race, Poverty and the Environment (CRPE) is an environmental justice organization which provides organizing, technical and legal assistance to rural communities in the San Joaquin Valley.

CRLA and CRPE are actively engaged in a number of low-income communities and communities of color throughout the central San Joaquin Valley. Today, these communities not only bear a disproportionate share of California's environmental and public health burdens, but they are also routinely denied the benefits of development and growth. Without action to remedy this pattern, these communities will also disproportionately suffer the negative impacts of the development and construction of the High Speed Rail (HSR) and enjoy none of its benefits.

CRLA, on behalf of its clients, Johnny Ray Coronado, Lucia Gonzalez, and Planada In Action, and CRPE jointly submit these comments to support in part and to oppose in part the California High Speed Rail Authority's Draft Environmental Impact Report/Statement: Merced to Fresno. California's High Speed Rail Authority (HSRA or the "Authority") has an important responsibility to both understand the environmental and environmental justice impacts of its choices, and to equitably apportion benefits to the San Joaquin Valley residents. If the HSRA does not consider meaningful public participation, long term mitigation measures, and cumulative impacts (especially around HSR stations and heavy maintenance facilities), it will risk violating the requirements of the California Environmental Quality Act (CEQA) and important principles of

1

Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty
& the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

700-1

environmental justice. More importantly, it will miss an unparalleled opportunity to benefit the Valley's most vulnerable communities. While these comments focus on the Merced to Fresno Section of the proposed project, they should also be considered in the revision of the Draft EIR/EIS for the Fresno to Bakersfield Section of the project.

Public Participation

We applaud the explicit commitment to environmental justice outreach stated in the EIR/S, and the recognition that environmental justice requires meaningful participation by historically excluded communities. However, we have concerns about the adequacy of the outreach conducted and the opportunities for public participation made available for residents of impacted communities.

Among the most glaring failures of the process so far has been the apparent lack of directed public outreach to Franklin-Beachwood, a community that faces among the most significant potential negative impacts discussed in DEIR. These impacts would result from development of an HMF at Castle Commerce Center and include acquisition of half the dwelling units at the Merced Mobile Estates mobile home park with possible closure of the park and displacement of its residents out of the community to other types of housing in Atwater or Merced. A visual barrier in the form of a guideway would also result in division of the community resulting in possible physical deterioration and negative effects on property values near the guideway. The guideway would also bisect the Joe Stefani public elementary school and likely require its relocation.

In Le Grand, where an HSR Public Information Workshop was held on August 24, 2011, residents struggled to understand the technical information presented on project posters without assistance from HSR representatives. Only one HSR representative was bilingual in Spanish and English—despite the fact that according to the most recent Census, Le Grand is approximately 82% Latino. Likewise, at the Merced HSR Public Hearing on September 14, 2011, although there was a HSR representative interpreting Spanish comments for the HSR commission and English-only audience, no interpretation was provided for the monolingual Spanish audience members during the introduction and public hearing sessions. Monolingual Spanish audience members were unable to understand comments made by other members of the public in English. Without sufficient Spanish language translation, and without assistance to understand technical language, public outreach failed to adequately inform the public, and denied communities of concern a meaningful opportunity to participate in the HSR EIR process.

700-2

Air Quality and Global Climate Change

Chapter 3.3of the Draft EIR/EIS (DEIR) contains the Authority's analysis on HSR's potential air quality and global climate change impacts. Such impacts will result at various times and in various locations, our comments are discussed three major categories; the construction phase, HSR operation, and Heavy Maintenance Facilities (HMFs).

Construction Phase: While the HSRA acknowledges that the "hills and mountains surrounding the san Joaquin Valley restrict air movement through and

700-2

out of the majority of the [air] basin" it claims that any potential significant localized air quality impacts from construction of the HSR would only be "temporary." 3.3.4.1 and 3.3.5.1. Construction itself may be a short-term (2013-2021) process, but given the shape of the air basin, the Authority should study, quantify, and mitigate construction impacts based on the length of time in which the criteria pollutants, TACs, and GHGs will remain trapped in the San Joaquin Valley air basin.

The DEIR recounts that even with mitigation "the annual construction emissions would exceed the SJVAPCD CEQA thresholds...and may impede implementation of the 8-hour SJVAPCD 2007 ozone plan, the 2004 Extreme Ozone 1-hour Plan, the 2007 PM10 Maintenance Plan, and 2008 PM2.5 Plan." 3.3.5.3. Yet the Authority only considers mitigation measures which reduce direct emissions (AQ-MM#1-9).¹ Under, the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), mitigation includes measures which: rectify the impact by repairing, rehabilitating, or restoring the affected environment; reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; and compensate for the impact by replacing or providing substitute resources or environments. 42 U.S.C. 4371 *et seq.*, sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and E.O. 11514, Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977); and California Resources Code Section 21000 *et seq.*

It is critical that the Authority adopt additional mitigation measures. Those proposed in section 3.3.6 may reduce immediate direct emissions, but the additional pollutants created and their longevity in the San Joaquin Valley, compounded by the cumulative impacts already in existence, and the proximity of this project to environmental justice communities already faced with dire health conditions, obliges the Authority to adopt real, long-lasting and significant mitigation measures. For example, beyond requiring that concrete batch plants be located no less than 1,000 feet from sensitive receptors (AQ-MM#8), the HSRA should retrofit and/or update all buses and emergency vehicles in the vicinity with cleanest emission engines. Or provide annual free health screenings to all local school children. There is a wide array of creative and impactful opportunities that the Authority has overlooked and failed to engage the community in developing.

HSR Operation: Normal operation of the HSR is projected to have a lesser impact on air quality and climate change, than the no project alternative. Beyond simply modeling and predicting this outcome, and in-line with recent congressional, state, and local interest in improved air quality, the Authority should research and propose opportunities to maximize all potential benefits. For example, connect rural unincorporated communities to the Merced HSR station by extending Merced city bus lines. Or where roads must be modified or constructed, commit to including bike lanes and sidewalks. HSR is predicted to reduce overall vehicle miles traveled (VMT) and plane flights in the region, but the Authority has not planned how it will

¹ AQ-MM#9 does consider purchasing offsets for emissions associated with the hauling of ballast material, but only in the air districts other than the San Joaquin Valley Air Pollution Control District.

Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

700-2

work with regional and local governments to maximize use and access to the HSR to further increase these benefits.

Heavy Maintenance Facilities: HMFs have the greatest potential of causing and continually contributing to poor air quality and climate impacts. As such, it is critical that no HMF be placed within 1,300 feet of a sensitive receptor or location where a sensitive receptor is likely to locate in the future. "Health risk analysis indicate that the receptors located within 1,300 feet of the HMF facility may be exposed to cancer risks greater than 10 in a million." 3.3.5.3.

It is also critical that the Authority not place the HMF at the Castle Commerce Center, Gordon-Shaw, or Kojima Development sites, given that these each pose potentially significant toxic emissions, cancer risks, and significant impacts for PM10 and PM2.5, under CEQA.

Further, AQ-MM#7 to reduce the impact of stationary sources at the HMF site, should be implemented regardless of the HMF selected, not just to the Castle Commerce site, as indicated in the DEIR. In addition, the Authority should commit to hiring local HMF workers, and providing those workers with just compensation and health care benefits, in order to further mitigate the air impacts on the health of the local community.

Pertaining to the Fresno to Bakersfield HMF location, the Authority should remove the Kern Council of Governments-Wasco site from consideration as it would involve the handling of extremely hazardous materials within .25 miles of a school.

700-3

Cumulative Impacts

The "Cumulative Impacts" analysis (3.19) fails to adequately consider the cumulative impact of the HSR on communities of concern. In particular it fails to analyze the disparate impact that historical development and past projects have had, and continue to have, on communities of concern. The DEIR also fails to analyze how concentration of development near station stops will hinder investment in low income communities beyond the travel hubs as well as to analyze the impact of the project on affordable housing options in the region. Finally, the DEIR fails to include adequate mitigation measures.

As noted in the DEIR, all but five of the census block groups within the study area have high concentrations of environmental justice populations. As compared to the region as a whole, the study area has a disproportionate concentration of low income and minority residents. A failure to adequately assess the impact, including the cumulative impact, of the HSR on communities in the study area will have a disproportionate impact on communities of color in violation of federal and state fair housing laws and civil rights laws that protect residents and communities of color from discrimination, including, but not limited to California Government Code §§ 11135; 65008 and 12900, *et seq* and 42 U.S.C. 3604(b); Title VI of the Civil Rights Act of 1964 and the Equal Protection Clauses of the Federal and State Constitutions.

4

700-3

The DEIR fails to consider the cumulative impact that over a century of transportation planning and land use development has had on the region to create the high concentrations of low income communities, especially minority unincorporated communities in the study area and how transportation planning and land use development have and continue to impact environmental justice communities in the study area. The result is that the DEIR fails to analyze how the high speed rail will perpetuate the deleterious impacts that land use and transportation planning have had on the communities of concern in the study area and fails to sufficiently set out mitigation measures to address these impacts.

The DEIR similarly fails to assess the cumulative impact of the HSR on investment in communities of concern beyond the immediate vicinity of HSR stations. Communities throughout the study area have suffered from severe disinvestment and the HSR threatens to replicate that disastrous pattern. Throughout, the DEIR cites opportunities for growth and investment near the HSR stations but does not address how this will impact existing communities impacted by the HSR in the study area. This is especially problematic given the recognition in the DEIR that housing depreciation as a result of the project is most likely along parts of the project away from HSR stations. 3.12-39, 51. As funding targets Transit Oriented Development, the investors and businesses in the neighborhoods of the HSR stations may benefit to the detriment of the most negatively impacted communities, particularly unincorporated communities away from HSR stations. Many communities throughout the study areas have been excluded from public funding for decades and the DEIR fails to assess how the HSR will continue and potentially exacerbate this pattern of disinvestment.

The DEIR fails to consider the impact of the HSR on affordable housing opportunities throughout the Study Area. While significant mention is made of increased development near HSR stations there is no discussion of opportunities for affordable housing in the context of Transit Oriented Development. Related to this concern, the HSR threatens to displace many low income residents. There is insufficient analysis of the displacement of low income residents and mitigation measures outlined regarding displacement are inadequate, especially for the communities of Fairmead, Le Grand and Franklin-Beachwood where housing alternatives - let alone affordable housing alternatives - are recognized to be unavailable.

700-4

HSR Alternatives/Environmental Justice

The "Socioeconomics, Communities, and Environmental Justice" chapter (3.12) of the DEIR discusses the impacts of various alternatives on communities of concern. This discussion should be referenced explicitly in the "Alternatives" chapter (2.0) to facilitate use by residents and others concerned about environmental justice impacts. In order to get a full picture of the alternative impacts, the two sections depend upon each other, a fact which the DEIR does not make sufficiently apparent.

Chapter 3.12 does a commendable job of recognizing small unincorporated communities and neighborhoods, including Le Grand, Fairmead, Madera Acres and Franklin-Beachwood. According to the chapter, four public information and small community meetings in Le Grand and Fairmead have been held to date. This is a start,

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Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

700-4

but similar meetings should also have been held in the unincorporated communities of concern, and the meetings must be made meaningful through the provision of adequate assistance and translation. The chapter also mentions, although it provides insufficient discussion of, the unincorporated communities of Herndon and Sharon.

The potential impacts on Fairmead, Le Grand, Madera Acres and Franklin-Beachwood are serious and make clear not only the stakes for these unincorporated communities but also the legal and ethical importance of meaningfully involving these communities in the EIR process. As stated in the Chapter's overview of environmental consequences:

Without mitigation, disproportionately high and adverse effects would occur for the communities of concern in the unincorporated communities of (1) Le Grand, under the BNSF Alternative with Mission Ave or Mariposa Way design options, (2) Fairmead, under the UPRR/SR 99 Alternative, and (3) Franklin-Beachwood, under the Castle Commerce Center HMF alternative. 3.12-31.

In Fairmead, displacements and relocation of displaced residents outside of the community could result from construction of the project, as well as substantial adverse visual impacts resulting in possible property value depreciation. "Aesthetic designs would reduce visual impacts but not avoid them." 3.12-58. Le Grand and Madera Acres both face potential bi-section by development of the HSR, and would face significant resulting negative impacts. The potential negative impacts on Franklin-Beachwood have already been discussed.

An adequate supply of replacement housing is not currently available for displaced residents in these communities such that displacement could very well result in forced relocation outside of Le Grand, Fairmead, or Franklin-Beachwood. Such relocation presents serious concerns both in terms of isolation from community for the displaced (residents of these communities often have long personal and family histories in these communities) as well as for the very survival of these small, rural places. Displacement and relocation out is especially threatening for these communities because of their small size; existing economies of scale already present serious challenges for the provision of affordable services. The HSR public outreach process should make exceedingly clear to these communities how many and which properties may be displaced.

We urge the HSR Authority to work together with the disadvantaged unincorporated communities discussed throughout the EIR, including all those neighboring Proposed Heavy Maintenance Facility locations, to achieve a public comment process that is inclusive and comprehensive.

The selected Heavy Maintenance Facility will undoubtedly provide huge economic benefit to the community as a source of potential jobs. It also may present significant environmental and logistical challenges as far as acquiring new properties and relocating existing businesses to accommodate its use. The neighborhoods surrounding each of the potential facilities must be asked to provide public comment, such that the Authority can effectively gauge at which location they would create the most significant

6

700-4

community asset. It would also be in the Authority's interest to consider entering a Community Benefits Agreement with the chosen community, agreeing for example to construct the Heavy Maintenance Facility according to community informed standards and with particularized attention to assuring benefits outweigh the costs to the impacted community.

700-5

Environmental Justice Mitigation

Chapter 3.12 includes eight mitigation measures that aim to minimize or avoid some of the social, economic and environmental justice impacts identified in the DEIR. These are addressed to both the construction and operation phases of the HSR project.

Measure #1 instructs development and implementation of a construction management plan and Measure #2 development of a relocation mitigation plan. Strikingly, while Measure #2 would include, "collaborat[ion] with affected communities to develop enhancements and address indirect social and psychological impacts [of relocation]," Measure #1 fails to suggest any similar involvement for affected communities in development or approval of the construction management plan. This failure should be corrected.

Aspects of the other measures should be required rather than considered or suggested. For Measure #3 (division of existing communities), in cases where residents wish to remain in their neighborhoods, the purchase and development of infill lots or other real estate, relocation of existing buildings to vacant lots, and coordination with city staff regarding zoning and permit issues should be required. For Measure #4 (relocation of community facilities), complete relocation of community facilities prior to demolition of any existing structures should be required. For Measure #5 (outreach), use of input from communities of concern should be required to, "offset any disproportionate effects, develop special recruitment, training, and job set-aside programs so that minority and low-income populations are able to benefit from the jobs created by the project." For Measure #6 (displacements), the Authority should require rather than consider replacement housing options to allow displaced residents to remain in their communities, "including rehabilitation of existing housing or construction of new housing within the communities."

Conclusion

While the HSRA has made significant efforts toward meaningful public outreach, discussion of project alternatives, and suggested mitigation; without improvement these efforts will not achieve the aim to meaningfully inform and involve communities of concern, and to meaningfully mitigate impacts on said communities. Without meaningful participation from and mitigation for communities of concern, the important opportunity the HSR represents to move this region and these communities toward more equitable and efficient development will be squandered. Environmental justice communities, including residents of disadvantaged unincorporated communities, form the bedrock of this region. Without them, the HSR cannot achieve its full and just potential.

7

Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty
& the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

Sincerely,

/s/

Laura Baker
Center on Race, Poverty & the Environment

/s/

Phoebe Seaton
California Rural Legal Assistance, Inc.

Response to Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011)

700-1

See MF-Response-GENERAL-17 and MF-SOCIAL-7.

700-2

1. Regarding the construction phase and associated emissions, air quality impact analysis of the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, and using reasonable forecast data of the project and the region. Air quality impacts during project construction were evaluated in the EIR/EIS. Refer to Section 3.3 of the EIR/EIS for details. Please also see MF-Response AQ-7 for responses regarding mitigation measures. Regarding timing of emissions and their temporary or one-time nature, mitigation measure 4 requires the project to purchase construction emissions offsets for emissions that exceed annual de minimus thresholds. Those offsets will be governed by 40 CFR 93.163, a regulation issued by the Federal EPA. It requires offsets (i.e., emissions reductions through items such as purchase of cleaner tractors, irrigation pumps, etc. – similar to the buses mentioned in the comment) to occur during the same calendar year as the project emissions. The rule makes some allowance for offsets to occur not in the same calendar year, but greater offset ratios are required.

2. Regarding HST Operation, some of the actions suggested by the comment (extending local transit lines) are on not within the Authority's jurisdiction. However, the Authority has worked with the cities where stations are proposed to emphasize the potential for transit connectivity with siting the HSR station, even offering funding for station area land use planning including local transit stops and centers to maximize HST connectivity with local transit. There are local businesses and local transportation agencies who manage routes and improvement to best serve local circulation needs.

3. The route alternatives and locations of HMF sites in the EIR/EIS were selected during the alternatives analysis process for detailed study because they meet the project purpose and need and project objectives, and avoid or minimize adverse effects on homes, farms, and businesses, as well as impacts to the natural environment, including air quality. The route alternatives and HMF sites vary in the degree to which they would impact the natural environment and communities, as well as in the locations where such impacts would occur. Due to the nature of this project and its unique design parameters, it is not possible to entirely avoid homes, farms, businesses, and

700-2

environmentally sensitive areas. The Authority and FRA recognize the concerns expressed in comments that the HST may impact homes and communities, and consider this factor in selecting the preferred alternative alignment and HMF site. See MF-Response-GENERAL-15.

4. Among all the potential HMF sites, only the Castle Commerce site is located in populated area. Due to its potential to affect nearby residents and sensitive receptors, mitigation measures were proposed in the EIR/EIS to minimize the impacts. Other HMF locations are fairly remote and they would not be expected to cause adverse impacts to the nearby areas. Therefore, mitigations would not be necessary for other HMF sites.

700-3

The Authority does not agree that development near stations will hinder investment in low-income communities. See MF-Response-General-3 for information about regional population and employment growth and MF-Response-General-5 for information about impacts and benefits on communities of concern and mitigation measures for adverse impacts. Low-income housing being incorporated into the station area developments would be developed by others. California Planning Law, under the Housing Element requirements (Government Code Section 65580, et seq.), requires cities to accommodate their fair share of the regional housing need, including projected needs for low-income housing. This will apply to future development in the station areas. Further reinforcing this requirement is SB 375 (2008), which will require that the regional housing needs allocations to each city reinforce the "sustainable communities strategies" (SCS) or "alternate planning strategy" (APS) to be adopted by the Merced Council of Governments and Fresno Council of Governments (expected to be adopted in 2014). The SCS or APS is required to set out means to reduce greenhouse gas emissions within the applicable county. These are expected to encourage more compact, city-centered development patterns.

Specifically, as noted in MF-Response-General-3, the HST alternatives are projected to induce more population growth (about 3 percent more total population) and create additional future employment opportunities (about 4 percent more total jobs) throughout the entire project area, including communities of concern, than would occur under the No Project alternative. This would provide an overall economic benefit to the region and

Response to Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

700-3

provide employment opportunities in an area with high unemployment.

As noted in Section 3.12 of the EIR/EIS, under all HST alternatives, benefits associated with the project would likely accrue to a greater degree to communities of concern because they are a large percentage of the population in the region. These benefits include improved mobility within the region, improved traffic conditions on freeways as people increasingly use the HST system, and long-term improvements in air quality within the region. In addition, the Authority will develop special recruitment, training, and job set-aside programs for minority and low-income populations in the area that will help reduce the chronic unemployment problem in these communities (see mitigation measure SO-MM#5).

See MF-Response-General-1, subsection "Level of detail in mitigation measures" for information about the adequacy of mitigation measures in the EIR/EIS.

The effects of past transportation and land use planning actions on the region, and particularly on the communities of Le Grand, Fairmead, and Madera, are discussed in Section 3.12 Socioeconomics, Communities, and Environmental Justice. The EIR/EIS does conclude that property value depreciation could occur in areas that are farther away from the stations but close to the HST guideway. Large-scale property value depreciation in communities adjacent to the HST alignment would not be expected; rather, properties close to the HST guideway may experience lower property values. See also MF-Response-SOCIAL-2.

Regarding affordable housing, Section 3.12 Socioeconomics, Communities, and Environmental Justice and Section 3.19 Cumulative Impacts discuss the impacts of residential displacement, including impacts on low-income residents. Analysis of current replacement housing indicates that a sufficient number of suitable residential properties – that is, properties of comparable price, size, and type as those that would be displaced – exists for nearly all displaced occupants in the project area. Exceptions include the communities of Fairmead and Le Grand, where comparable replacement housing does not exist within those communities. Although comparable replacement housing does exist within the wider relocation area, these displacements would be predominantly borne by a community of concern and would be disproportionately high and adverse because people who must relocate outside of Fairmead or Le Grand would be isolated

700-3

from their community. Construction of replacement housing on vacant lots in Fairmead would minimize the adverse cumulative effects.

Mitigation measure SO-MM#3 would address impacts associated with the division of existing communities. Mitigation measure SO-MM#6 would investigate avoidance of displacement or consider other replacement housing options in Franklin-Beachwood, Le Grand, and Fairmead. In addition, the project would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Relocation Act), which provides mandatory rules and requirements on how federal, state, and local agencies compensate for impacts on property owners or tenants who need to relocate if they are displaced by a federally funded project. In addition, housing of last resort would be available, if required. Housing of last resort may require replacement housing payments that exceed the maximum amounts allowed under the Uniform Relocation Act or other methods of providing comparable decent, safe, and sanitary housing within the displaced person's financial means.

Section 3.19, Cumulative Impacts, assesses the cumulative effects of the HST project and other past, present, and reasonably foreseeable future actions on communities of concern throughout the entire project area. The section concludes the following:

- The cumulative impact of construction activities on low-income residents could be disproportionately high and adverse and could be a greater hardship for them. Mitigation measure SO-MM#1 would address this impact.
- Residential displacements would result in cumulative effects on Fairmead residents because no replacement housing exists in Fairmead. Construction of replacement housing on vacant lots in Fairmead would minimize the adverse cumulative effects.
- HST operations would provide a cumulative benefit to communities of concern, including an improved roadway network, reduced traffic congestion, improved air quality, and improved accessibility to job markets, education, and social and health services.

700-4

See MF-Response-GENERAL-5, MF-Response-GENERAL-17, MF-Response-SOCIAL-7, MF-Response-SOCIAL-1, and MF-Response-GENERAL-15. Chapter 2 does not provide reference to Section 3.12, but provides information on the alternatives. The

Response to Submission 700 (Laura (1), Phoebe (2) Baker (1), Seaton (2), Center on Race, Poverty & the Environment (1), California Rural Legal Assistance, Inc. (2), October 13, 2011) - Continued

700-4

Executive Summary provides brief information on the impacts in Section 3.12. Refer to Section 3.12.7, Socioeconomics, Communities, and Environmental Justice, for information on the mitigation measure SO-MM#5 that will be implemented as part of the HST project including continuing to conduct substantial environmental justice outreach activities in order to obtain resident feedback including suggestions for mitigation and SO-MM#6 for information on avoid displacements in the communities of Franklin-Beachwood, Le Grand, and Fairmead.

700-5

See MF-Response-SOCIAL-7 and MF-Response-GENERAL-1. Chapter 2.0, Alternatives, describes the proposed project alternatives while Section 3.12.4 of Socioeconomics, Communities, and Environmental Justice describes the existing conditions related to environmental justice, including communities of concern. The Affected Environment section under each resource area analyzed in Chapter 3 describes the existing conditions relative to each resource. Measures in 3.12.7 have been updated to indicate commitments by the Authority and additional detail has been added as necessary.

Submission 372 (Laura Baker, Center on Race, Poverty and the Environment, September 21, 2011)



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

09-21-11P02:10 RCVD

To: Chairperson Umberg and Board Members		From: Laura Baker lbaker@crpe-ej.org	Phone 661 720 9140 Fax 661 720 9483
Fax: 916-322-0827		Pages: 3 including this cover sheet	
Phone: 916-324-1541		Date: 9/21/11	
Re: Extension of Comment Period for Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents			
cc:			
<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

September 21, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento CA 95814-3359

RE: Extension of Comment Period for Merced to Fresno And
Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

The Center in Race, Poverty & the Environment (CRPE) submits these comments on behalf of itself and low income communities and communities of color throughout the San Joaquin Valley.

CRPE requests that the Board take action to provide an adequate comment period for the Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents. A comment period extension will provide members of the public and those directly impacted by the proposed project time to respond and comment on the two Draft EIR/EIS documents released by the Authority on August 9, 2011. Specifically, we are requesting a six-month review period, extension until February 2012.

This extension is essential given that this is a statewide project and as such, CRPE and other members of the public must review well more than 17,000 pages of the Draft EIR/EIS in order to adequately comment on the Merced to Fresno and Fresno to Bakersfield segments.

We understand that the EIR/EIS was released August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 days period is the minimum under CEQA guidelines § 15105(a). Later staff granted an additional 15 days for review, for a total of 60 days with the comment period now ending October 13, 2011 which corresponds with the end date of the State Clearinghouse review period for the Proposed California High-Speed Train System.

It makes little sense that the program EIR/EIS for the State Clearinghouse had a 6.5 month review period, while this more detailed program EIR/EIS has been afforded only 2 months.

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Submission 372 (Laura Baker, Center on Race, Poverty and the Environment, September 21, 2011) - Continued



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

Having an adequate opportunity to provide comments is not only required by CEQA but of tantamount importance considering that this project is the largest and most expensive infrastructure project in the history of the State of California.

Because there is no regular Board meeting scheduled prior to the current comment deadline of October 13, 2011, we request the Authority immediately schedule a special meeting of the Board to directly address this pressing request for a six-month review period.

The Authority ought to take seriously its responsibility to make sure that relevant information (like that provided from local residents) about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high speed rail, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution. Unless it is extended, the Authority will not receive all relevant information, before making a decision on the largest public works project ever proposed in the State of California.

In conclusion, we respectfully request the Authority for a six-month period to comment on environmental documents.

Sincerely,

Laura Baker
Staff Attorney
The Center on Race, Poverty & the Environment

cc: Ken Alex, Senior Advisor of OPR
R Vanark, ED HSR
Joseph Szabo, DOT

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1996-1997 LUXE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Response to Submission 372 (Laura Baker, Center on Race, Poverty and the Environment,
September 21, 2011)

372-1

See MF-Response-GENERAL-7.

Submission 805 (None provided None provided, Central Valley Air Quality Coalition, Land
& Use Transportation Committee, October 12, 2011)

From:

10/12/2011 16:32 #405 P.001/002



Central Valley Air Quality
COALITION

RECEIVED

10-12-11P04:34 RCVD

M-F

October 12, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
(916) 324-1541

Dear High Speed Rail Authority Board,

On behalf of the Land Use and Transportation Committee of the Central Valley Air Quality Coalition (CVAQ) we appreciate the opportunity to comment on the Environmental Impact Review (EIR) of the proposed High Speed Train (HST).

CVAQ is a partnership of more than 70 community, medical, public health, environmental and environmental justice organizations representing thousands of residents in the San Joaquin Valley that are unified in their commitment to improve the health of Californians by advocating for clean air.

The effects of greenhouse gas (GHG) and criteria pollutant emissions are especially significant in our Valley as public health, agriculture, water supply and natural habitat are impacted. Community planning has a direct impact on these emissions by affecting the number of trips people must take and the number of miles people must travel as well as the mode of transportation amongst other considerations.

805-1

Because of the relationship between emissions and planning, our committee believes that Smart Growth planning principles and planning projects are an essential component of the HST project and should be integrated into the planning process. The EIR contains no specific mitigation measures for land-use or growth inducing impacts resulting from HST station planning. The documents assume HST will result in beneficial infill development and redevelopment without any discussion or examples of this trend. The growth projections for the San Joaquin Valley, which were used by municipalities to account for growth, do not currently assess the impacts of HST. Partly as a consequence of this, existing regional and local planning documents in Valley communities are not adequate to address the impacts of HST induced growth and land-use changes. Double state average population growth plus the likelihood of population shifts towards the Valley due to increased accessibility to employment centers and lower cost of living heighten, the need to ensure communities accommodate this growth sustainable way.

559.442.4771 • 1316 E Olive Ave. • Fresno, CA • 93728
www.calcleanair.org

From:

10/12/2011 16:32 #405 P.002/002



Central Valley Air Quality
COALITION

805-2

Draft General Plan Updates have not yet demonstrated that they have adequately incorporated Blueprint Planning efforts, and funding shortages have excluded GHG and other land-based measures necessary to accommodate new growth. Mitigation should be included to facilitate specific Smart Growth planning initiatives that will help local jurisdictions accommodate this increased population and address any increases in GHG and criteria emissions. This is particularly significant in the San Joaquin Valley, where residents are living with some of the unhealthiest air in the country.

805-3

The EIR also did not evaluate the potential for disproportionate impacts to disadvantaged communities or issues pertaining to transportation access and access to the new facilities. Establishing equal access to HST stations through paratransit lines to rural communities, vanpools, carpools, etc., would ensure that all Valley residents are able to enjoy the benefits, as well as the impacts, of a major new project running through our communities. The equitably distributed benefits from HST are contingent upon the ability to implement smart growth plans, with multi modal connectivity, particularly around the station areas.

We urge the board to address the above mentioned issues in the EIR to make sure that the HST stations are a positive part of the community.

Sincerely,

Land Use and Transportation Committee

559.442.4771 • 1316 E Olive Ave. • Fresno, CA • 93728
www.calcleanair.org

Response to Submission 805 (None provided None provided, Central Valley Air Quality Coalition, Land & Use Transportation Committee, October 12, 2011)

805-1

See MF-Response-GENERAL-3 and MF-Response-AQ-7. Land use and growth-inducing impacts are discussed in Section 3.13, Station Planning, Land Use, and Development, and Section 3.18, Regional Growth. The Authority is engaging with Merced and Fresno in station area planning activities which will focus future development around the station sites and help plan for future land uses in the station area.

805-2

See MF-Response-GENERAL-3, MF-Response-LAND USE-2, MF-Response-LAND USE-4 and MF-Response-AQ-7.

805-3

See Section 3.12, Socioeconomics, Communities, and Environmental Justice for a discussion of impacts on disadvantaged communities. Existing transit systems would provide service to the station areas. In addition, the development of any new forms of transportation access and access to the new facilities (i.e., vanpools and carpools) would be developed by local transit authorities, not by CHSRA. There are already existing transit systems that provide service to the station areas. While some people may use the HST to commute to and from their place of employment; overall, the HST is not intended for commuter use.

Submission 1092 (Jeffrey Frost, Central Valley Education Coalition, November 10, 2011)



Central Valley Education Coalition

Fresno County, including:
County Office of Education
15 Elementary School Districts
2 High School Districts
16 Unified School Districts

Kings County, including:
County Office of Education
10 Elementary School Districts
2 High School Districts
2 Unified School Districts

Madera County, including:
County Office of Education
4 Elementary School Districts
1 High School District
4 Unified School Districts

Mariposa County, including:
County Office of Education/
Unified School District

Merced County, including:
County Office of Education
13 Elementary School Districts
2 High School Districts
5 Unified School Districts

1092-1

Tulare County, including:
County Office of Education
36 Elementary School Districts
3 High School Districts
7 Unified School Districts

*128 Public Education Institutions
Serving Over 405,000 Students in
the Heart of California*

November 7, 2011

Mr. Tom Umberg, Chair
California High Speed Rail Authority
770 L Street, #800
Sacramento, CA 95814

11-10-11P03:28 RCVD
3074

Dear Chairman Umberg:

I am writing on behalf of the Central Valley Education Association (CVEC) to thank the High Speed Rail Authority for reaching out to many of the effected school districts in the Central Valley to discuss environmental impacts of the final rail line.

However, because California's high speed rail project is the largest public infrastructure project in the nation, it is critical that the Authority take into account the full range of educational impacts. Several of our member entities, both county offices of education and individual school districts, have communicated with the Authority to seek meetings and to urge that every school district in the path of the rail line is contacted and that the opportunity to comment on the impacts of the development project are addressed. We appreciate that this communication has now started and we hope that additional meetings and discussions take place.

The overriding concern of the members of the CVEC is that the responses that have been submitted on specific impacts have not been addressed you your initial EIR. It is our hope that mitigations related to school impacts are addressed in the re-release of the EIR.

For school districts, the impacts of this rail line are very real. There are student safety issues, home-to-school transportation difficulties related to bus routes, student walking routes and parental access by car. There are also significant school separation issues when the rail line actually divides communities. There are also financial issues related to loss of assessed valuation of property and the impact of lost student enrollment when houses are removed due to eminent domain. It is imperative that the Authority successfully address these impacts and we are hopeful this will occur now that the Authority has begun meeting with impacted school districts.

Thank you for having your staff reach out to our impacted schools and for the opportunity to raise our concerns. Our member districts and county offices would be more than willing to set up additional meetings

Legislative Advocate – Frost, Davis & Donnelly
1029 J Street, Suite 310, Sacramento, CA 95814 – Phone: (916) 447-8420; Fax: (916) 442-4101

for your staff to gain more critical information related to the affects of this project and to provide contact information to you for all of the affected districts between Fresno and Bakersfield. Do not hesitate to contact me or Mr. Jim Vidak, the CVEC Chair and the County Superintendent of Schools in Tulare County to continue this process.

Sincerely,

Jeffrey Frost
CVEC Legislative Advocate

cc: **Mr. Roelof van Ark, Authority CEO**
CVEC Executive Committee members
Senator Michael Rubio
Senator Anthony Cannella
Senator Tom Berryhill
Senator Jean Fuller
Assembly Member Bill Berryhill
Assembly Member Connie Conway
Assembly Member Cathleen Galgiani
Assembly Member Shannon Grove
Assembly Member Linda Halderman, M.D.
Assembly Member Kristin Olsen
Assembly Member Henry Perea
Assembly Member David Valadeo

Response to Submission 1092 (Jeffrey Frost, Central Valley Education Coalition, November 10, 2011)

1092-1

See MF-Response-S&S-1, MF-Response-S&S-2, MF-Response-S&S-3, MF-Response-S&S-4, and MF-Response-S&S-5.

Impacts to schools and school districts are being addressed in Section 3.12 of the EIR/EIS. A School District memo is included in Appendix F, School Districts, in the Community Impact Assessment.

Submission 369 (Matthew R. Prue, CertainTeed Insulation, September 27, 2011)



09-27-11P12:05 RCVD

Via Overnight Mail

September 26, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR / EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Dear Members of the Board:

CertainTeed Corporation, the property owner of an insulation manufacturing plant located in Chowchilla, CA, takes this opportunity to comment on the California High Speed Train Project Draft EIR / EIS for the Merced to Fresno Section.

369-1 First of all, although CertainTeed has recently received a copy of the Draft EIR / EIS, it did not have either adequate notice of the deadline for comments or time to fully study the proposal in order to articulate its concerns. A copy of the EIR / EIS was not provided to CertainTeed by the Commission, nor was any timely information provided to CertainTeed relating to the new development that will result in a change of route that will cross the CertainTeed plant property. Therefore, these comments are made in order to meet the comment deadline. CertainTeed reserves its right to retain experienced legal counsel to more fully explore the issues and to represent CertainTeed's rights to amend its comments (including its right to request an extension of the time to comment). CertainTeed seeks its right to due process, which has to date been denied by the Commission.

Second, CertainTeed provides the attached summary of the preliminary issues it has with the proposal to place an elevated, high-speed passenger line across one corner of its manufacturing plant property. As stated above, CertainTeed reserves the right to amend its comments in whole or in part.

Finally, CertainTeed adopts the comments provided by the City of Chowchilla, CA as if fully set forth; herein.

Should you have any questions, or if there is additional information that CertainTeed should receive, please contact me at 559-665-4831 x212.

Sincerely,

Matthew R. Prue
Plant Manager

CertainTeed Insulation
17775 Avenue 23 1/2 • Chowchilla, CA 93610 • USA • Tel: (559) 665-4831



Preliminary Comments by CertainTeed Corporation

Impact of Merced to Fresno High Speed Line on Plant Property, Located at 17775 Avenue 23 1/2, Chowchilla, CA

- 369-2
- CertainTeed has concerns about our ability to expand and/or conduct business with our current property. Any development on or above our property could limit our ability to improve, modify, or improve upon the land we currently own and operate on. Areas of specific concern are: Waste settling and treatment pond, water tower, employee parking lot, front driveway (vehicle access).
- 369-3
- Safety: We are concerned this will affect ability for emergency vehicles to access our property in a speedy and direct way. This could limit access to our main electrical switchgear and transformer by closing off access on Road 17 1/2. It could also cause debris from an overhead rail to be blown onto our employee parking lot causing damage to vehicles and/or personnel.
- 369-4
- Transportation: This rail project could cause a burden for incoming raw material traffic by truck slowing down our ability to support our current or future operations.
- 369-5
- Environmental: High Speed Rail lines could cause additional valley pollution which would in turn be directed back at manufacturing locations thereby limiting the allowed stack pollution allowances.
- 369-6
- If this project stopped our ability to use the current waste processing facility and/or water tower, rerouting these services might not be possible, or at the very least would result in Millions of dollars in retrofits.
- 369-7
- This rail project could lower the value of the property as a future production site in the event CertainTeed wanted to sell it.
- 369-4
- The construction phase of this process would be very disruptive to our plant and would almost certainly slow down truck access due to large heavy equipment, digging for foundations, possible re-routing of electrical to our plant, noise, flying debris, etc.
- 369-2
- The Hybrid alternative is also unattractive to us because it goes through an undeveloped portion of plant property to the north, and would limit our ability to expand or build a second manufacturing location, which has been considered in the past. This would lower the value of our property as well and keep CertainTeed from expanding.

CertainTeed Insulation
17775 Avenue 23 1/2 • Chowchilla, CA 93610 • USA • Tel: (559) 665-4831

Response to Submission 369 (Matthew R. Prue, CertainTeed Insulation, September 27, 2011)

369-1

See MF-Response-GENERAL-7.

369-2

The Authority acknowledges that selection of the UPRR/SR 99 Alternative with the Ave 24 Wye and West Chowchilla Design Option (and the new Ave 23 1/2 overcrossing) would affect CertainTeed's facilities on the south side of its property, including its wastewater ponds. These impacts would not occur under the preferred alternative. The comment is similar to comments about effects to on-farm infrastructure - see MF-Response-AGRICULTURE-4 for information about infrastructure relocation during right-of-way acquisition. Also see MF-Response-SOCIAL-1 regarding business impacts in general.

369-3

Under the current configuration of the UPRR/SR 99 Alternative with the Ave 24 Wye and the West Chowchilla Design Option, at-grade track would close Road 17 ½ adjacent to the commenter's property. Emergency access would remain via Avenue 24 and Road 17 ½ north of the closure, and Avenue 23 ½ from Chowchilla Blvd. The transformer would remain accessible from Road 17 ¾ north of the closure. The HST track would be at-grade in this location. In the rare event of a train collision, debris would be contained within the safety fencing that would extend along both sides of all at-grade track throughout the HST system.

369-4

See MF-Responses-TRAFFIC-1.

369-5

As discussed in Section 3.3.6.3, operation of the project is expected to have a net regional emission decrease, therefore, will not affect the regional emission budget for stationary sources. Construction emissions would be temporary and cease once the construction phase is completed; moreover, construction emissions that exceed de minimus thresholds would be fully mitigated through offset purchases under AQ-MM#4. Therefore, the project will not cause additional pollutants to limit the allowed stack pollution allowance.

369-6

The Authority has adjusted alternatives during conceptual design to avoid or minimize impacts, including property acquisitions, to the extent possible. This alternative refinement process will continue throughout final design. The Authority is committed to working closely and proactively with businesses to help them plan ahead for relocation, and solve problems as they may occur. Any conflicts with CertainTeed's water tower and waste facility will be addressed in this process.

See MF-Response-SOCIAL-1.

369-7

See MF-Response-SOCIAL-2.

Submission 85 (Thomas A. Burns, Chevron, SAIC Energy, Environment & Infrastructure, LLC,
September 6, 2011)



Mike N. Oliphant
Environmental Project
Manager

Chevron Environmental
Management Company
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

August 31, 2011

Stakeholder Correspondence – California High-Speed Rail Authority

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

**Subject: Comments on the Draft EIR/EIS California High-Speed Rail Segment:
Merced to Fresno Segment**
Chevron Environmental Management Company
Historical Pipeline Portfolio-Bakersfield to Richmond

To Whom It May Concern:

Chevron Environmental Management Company (CEMC) recently reviewed the Draft Environmental Impact Report/Statement (EIR/EIS) for the proposed California High-Speed Rail (HSR): Merced to Fresno Segment. The purpose of this letter is to notify the California HSR Authority and stakeholders as to the location of a formerly active crude-oil pipeline located in the Fresno area (Figure 1), and to provide background information about the former pipeline. The intent is that information regarding the location and construction of this former pipeline will be incorporated into future planning and engineering documents associated with the proposed California HSR: Merced to Fresno Segment.

A portion of the former Tidewater Associated Oil Company (TAOC) pipeline existed within the Fresno footprint of the proposed California HSR: Merced to Fresno Segment (Figure 1). The historic pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. Pipeline operations for the TAOC ceased in the 1970s.

The pipeline was originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipeline was taken out of commission. The degree and method of decommission varied; in some instances the pipeline was removed, while in others it remains in place. It should be noted that the TAOC pipeline is not included in the Underground Service Alert-North (USA-North) system as it is not an active pipeline.

Evidence of historical releases associated with the former TAOC pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline right of way (ROW). Residual weathered crude oil associated with former TAOC pipeline operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historical release of crude oil from the pipeline is non-hazardous.

California HSR Authority
August 31, 2011
Page 2 of 2

85-1

Figures 1 through 4 illustrate the location of the former TAOC ROW within the proposed footprint of the California HSR project in Fresno, as shown in the Draft EIR/EIS. CEMC understands that there are several construction options being evaluated as part of the Draft EIR/EIS. To facilitate incorporation of the information contained within this letter into project planning and engineering documents, CEMC can provide Geographic Information System pipeline location files to project planners upon request.

CEMC recommends that the California HSR Authority be prepared to potentially address residual weathered crude oil, pipeline, and ACM from the former TAOC system during subsurface construction activities conducted in proximity to the former pipeline ROW. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of any encountered petroleum, pipeline, and pipeline-related ACM in the vicinity of the former TAOC ROW.

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you have any questions, require additional information, or would like to request more detailed maps, please contact SAIC consultants Tom Burns (thomas_a_burns@saic.com) at (916) 979-3748 or Daniel Anzelon (daniel_b_anzelon@saic.com) at (858) 826-3316.

Sincerely,

Mike Oliphant

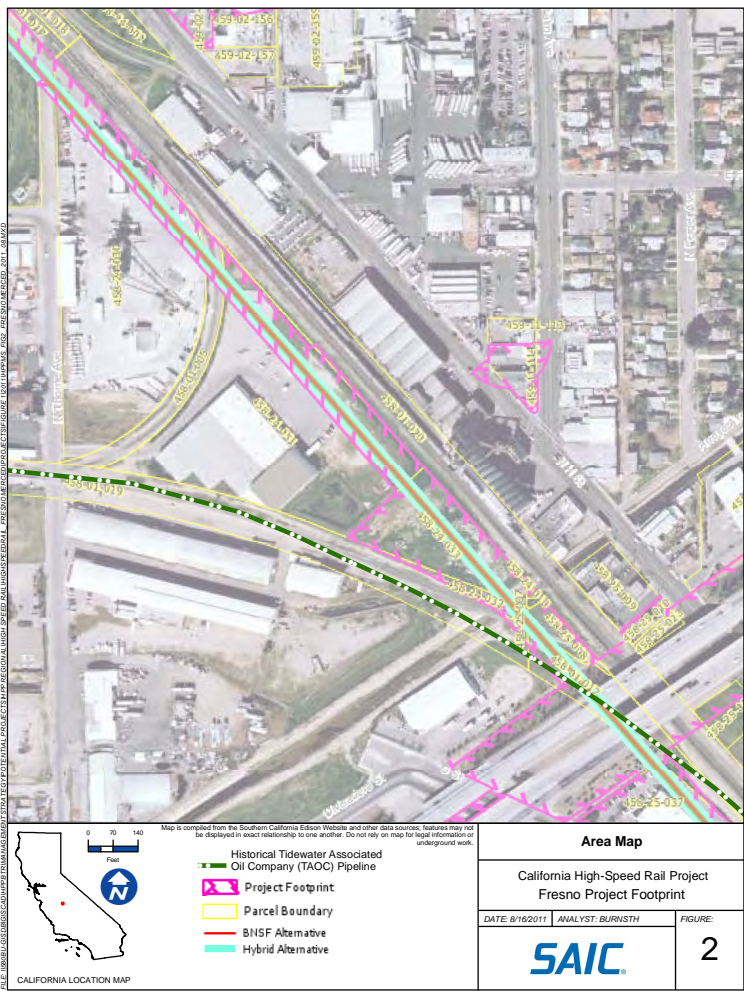
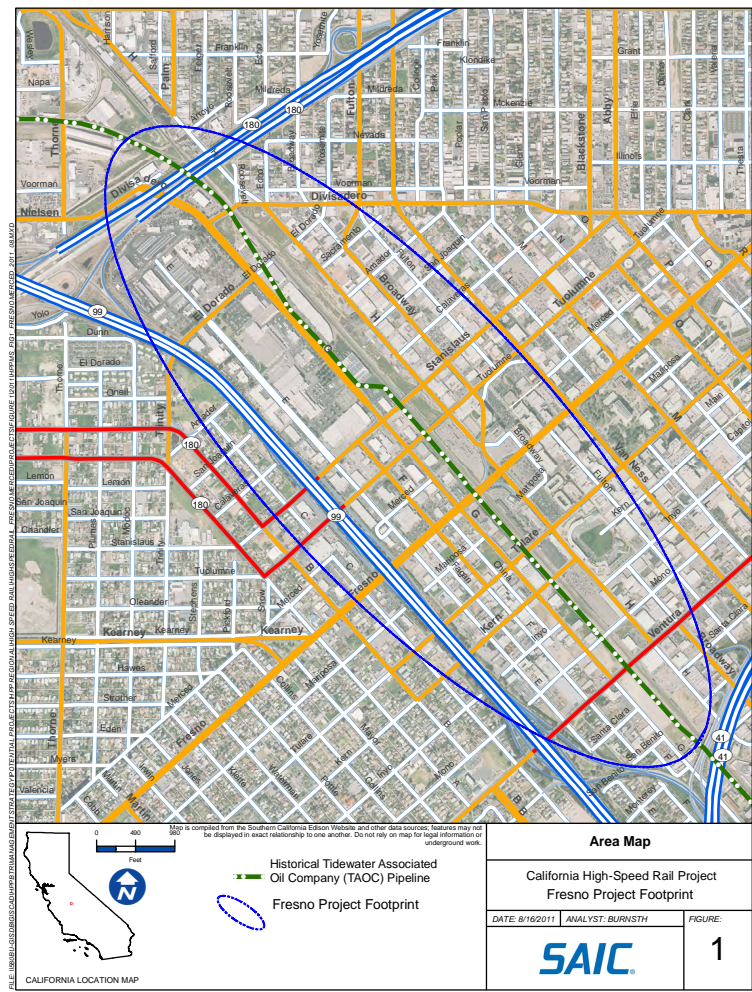
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Enclosures:

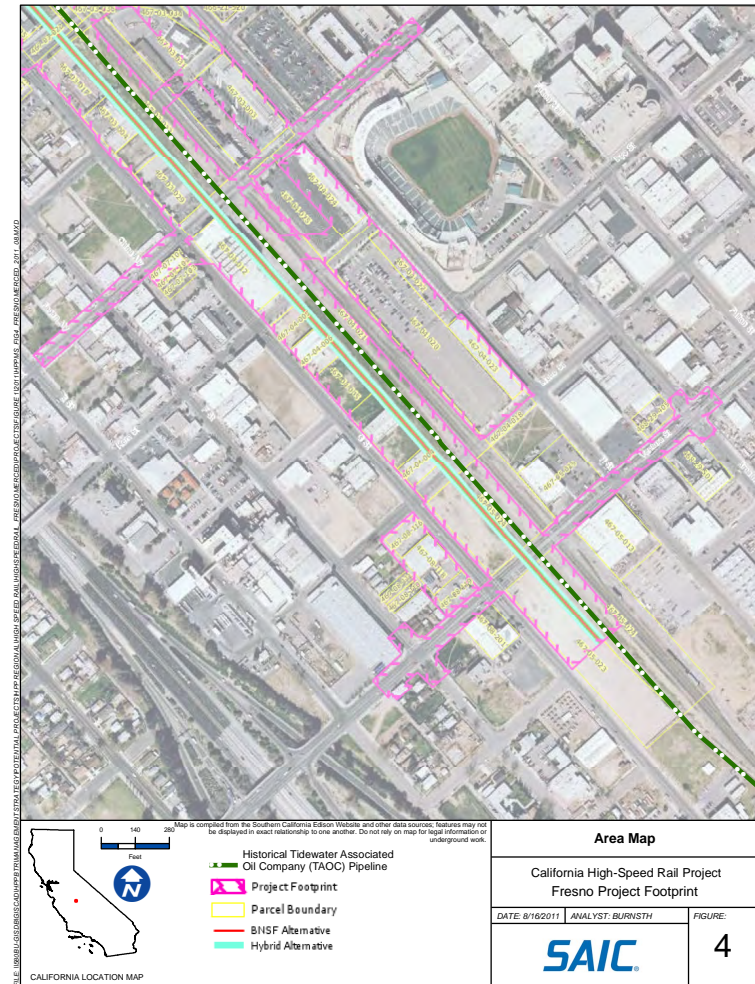
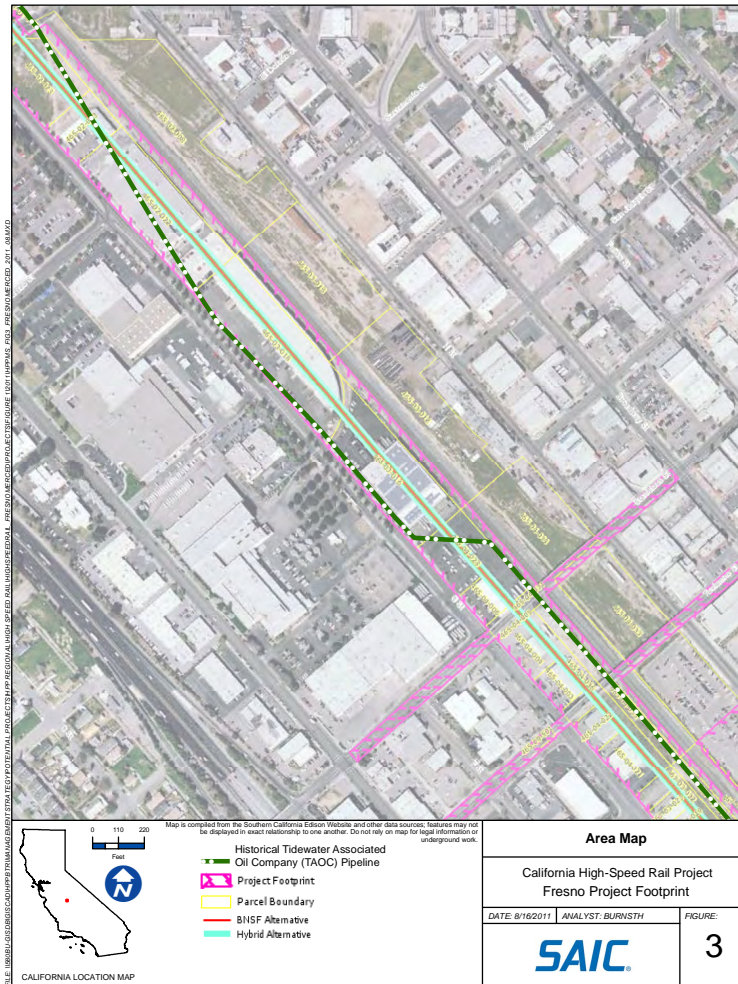
Figure 1. Area Map – California High-Speed Rail Project – Fresno Project Footprint
Figure 2. Area Map – California High-Speed Rail Project – Fresno Project Footprint
Figure 3. Area Map – California High-Speed Rail Project – Fresno Project Footprint
Figure 4. Area Map – California High-Speed Rail Project – Fresno Project Footprint

cc: Mr. Tom Burns – SAIC
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Hurd – SAIC (letter only)
1000 Broadway, Suite 675, Oakland, California 94607

Submission 85 (Thomas A. Burns, Chevron, SAIC Energy, Environment & Infrastructure, LLC,
September 6, 2011) - Continued



Submission 85 (Thomas A. Burns, Chevron, SAIC Energy, Environment & Infrastructure, LLC,
September 6, 2011) - Continued



Response to Submission 85 (Thomas A. Burns, Chevron, SAIC Energy, Environment & Infrastructure, LLC, September 6, 2011)

85-1

The potential presence of the former Tidewater Associated Oil Company (TAOC) crude oil pipeline in the project study area has been added to the engineering and planning documents (see section 3.10 Hazardous Materials and Wastes).

The Authority is currently in the process of developing a Master Agreement with Chevron, which will determine the roles and responsibilities for removal and abatement of the TAOC pipeline in the project area. The Master Agreement will also outline communication and coordination protocols with Chevron regarding any elements of the TAOC pipeline encountered during project construction.

Submission 235 (Don Banti, Church & Dwight, September 16, 2011)



CALIFORNIA
High-Speed Rail Authority

09-16-11P03:23 RCVD

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after **September 28, 2011** will not be addressed in the Final EIR/EIS. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de **28 de septiembre** no se responderá en el EIR/EIS final.

Name/
Nombre: Don Banti Organization/
Organización: Church & Dwight

(Optional/Opcional)
Address/Domicilio: 3853 STEPHEN AVE Phone Number/
Número de teléfono: 559-877-7400

City, State, Zip code/
Ciudad, estado, código postal: WISCONSIN CA 93609 Email address/
Correo electrónico: _____

235-1

I HAVE SPOKEN TO NUMEROUS INDIVIDUALS
ABOUT THIS HIGH-SPEED RAIL. EVERYONE I HAVE
SPOKEN TO THINKS THAT THE IDEA OF BUILDING
THIS HIGH-SPEED RAIL WITH THE ASSUMPTION THAT
IT WILL REDUCE TRAFFIC AND THEREFORE
THE NEED TO BUILD NEW HIGHWAYS AND
MAINTAIN THE EXISTING HIGHWAYS IS LUDICROUS.
PEOPLE WILL NOT STOP DRIVING THEIR CARS!
THE COST OF THIS HIGH-SPEED RAIL WILL BE
ASTRONOMICAL. INSTEAD OF HELPING CA, THIS
WILL HURT CA. THIS WILL BE KNOWN LIKE WISCONSIN'S
"BRIDGE TO NOWHERE" EXCEPT IN CA IT WILL BE
CA'S HIGH-SPEED RAIL TO THE POORHOUSE.

Response to Submission 235 (Don Banti, Church & Dwight, September 16, 2011)

235-1

See MF-Response-GENERAL-14.

Submission 1151 (Jason Holder, Church & Dwight (Atty. for), February 1, 2012)

CHSRA Board

Page 2

December 13, 2011

1151-1

Jason W. Holder
jholder@fablaw.com

December 13, 2011

VIA HAND DELIVERY, FACSIMILE AND U.S. MAIL

California High Speed Rail Authority
Board of Directors
770 L Street, Suite 800
Sacramento, CA 95814
Fax: (916) 322-0827

Re: Comments Concerning Proposed Selection of Preferred Alternative for
the Merced to Fresno Segment of the High Speed Rail Project

Dear Members of the CHSRA Board:

On behalf of our client, Church & Dwight Company, Inc., we are writing to (1) object to the proposed selection of a preferred alternative for the Merced to Fresno Segment ("Segment") of the proposed California High Speed Rail project ("HSR Project"), (2) comment on the report concerning staff's recommendation of the Hybrid Alternative as the preferred alternative, (3) supplement our comments concerning the DEIR/S with respect to the untimely identification of a preferred alternative, and (4) urge further modification of the right-of-way for the preferred alternative in order to avoid direct impacts to Church & Dwight's Madera facility.

As explained further below, it is inappropriate for the Board to select a proposed alternative after the public comment period on the Draft EIR/S has expired but before the environmental review process for the segment has been completed. Moreover, staff's report recommending the selection of the Hybrid Alternative as the preferred alternative ("Report") is inaccurate and deficient in several respects. The Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/S") for the Segment failed to identify a proposed project or preferred alternative, as required by CEQA. In addition, modifying the right-of-way for the preferred alternative and BNSF Alternative so that it avoids entirely Church & Dwight's facility appears to be feasible and would avoid significant costs and disruption.

1151-2

I. Insufficient Evidence to Support Selection of the Hybrid Alternative as the Preferred Alternative

As noted in our comments concerning the DEIR/S, the analysis of environmental impacts for each alternative is deficient in part because the analysis is not based on adequate investigation of the baseline conditions. For example, protocol-level surveys for biological resources have not been conducted along each alternative right-of-way. In addition, CHSRA staff have not adequately investigated the presence of cultural resources that may be impacted by each Segment alternative. Absent a fact-based investigation supporting a careful comparison between alternatives, the CHSRA Board currently lacks sufficient evidence to choose a preferred alternative.

Furthermore, the CHSRA has improperly ruled out the I-5 Alternative without carefully evaluating its feasibility and impacts. Staff's report regarding the Preferred Alternative acknowledges that public comments advocated consideration of an I-5 Alternative, but the document does not provide any additional information or analysis justifying the early elimination of this alternative. The DEIR/S failed to adequately explain why the CHSRA has eliminated this alternative from further consideration, and the reports from the mid-1990s concerning this alternative are not available on the CHSRA website for public review.¹ We maintain that, in comparison to the three alternatives considered in the DEIR/S, an I-5 Alternative would *likely* result in fewer impacts to biological resources, agriculture and jurisdictional waters and would cause less noise, air quality, traffic impacts. An I-5 Alternative would *definitely* have less impacts on community facilities. Moreover, an I-5 Alternative that includes strategically located stations in close proximity to Merced, Fresno and Bakersfield, with local transit connections to those communities, has the potential to substantially reduce travel times through the San Joaquin Valley while also attracting sufficient ridership from these communities.

The comparison between the significant impacts of the three Segment alternatives carried forward, provided in the DEIR/S and now cursorily summarized in the Report, reaffirms the importance of seriously considering the feasibility, impacts and performance of an I-5 Alternative.

II. Flaws in the Report Concerning the Preferred Alternative

We have reviewed the report entitled "Staff Recommendations: Preferred Alternative" and have the following comments concerning the report:

- The Report does not even mention the extensive comments that we submitted on behalf of Church & Dwight² and it fails to address most of the concerns that we expressed in those comments.
- The Report fails to acknowledge the many requests for a further extension of the comment period on the DEIR/S. 60 days was simply too little time to review the 3,300 page DEIR/S, 14,000 pages of technical appendices, and the programmatic

¹ Please note that, together with this letter, we are submitting a request for public records for all CHSRA reports and analyses pertaining to the consideration of the I-5 Alternative and its elimination from further consideration.

² See Report, p. 6.

Submission 1151 (Jason Holder, Church & Dwight (Atty. for), February 1, 2012) - Continued

CHSRA Board

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analyses upon which the DEIR/S purportedly relied. By refusing to further extend the comment period, the CHSRA failed to provide the public with a meaningful opportunity to participate in the environmental review process for the Segment.

- The Report does not address improperly deferred impact analysis. As we stated in our comments, it is improper to defer the analysis of project impacts to biological resources and cultural resources, among other resources, until after a preferred alternative is selected.³
- The Report fails to acknowledge that, in many respects, the Hybrid Alternative would have greater impacts to biological resources and jurisdictional waters than would the UPRR/SR 99 Alternative. The Report also ignores the fact that the Draft Wetland Delineation report, which was released after the DEIR/S in August 2011, has not been incorporated into the environmental analysis. It is possible that the impacts to wetlands, caused by each alternative, may be more severe than acknowledged in the DEIR/S.
- The section concerning Alternatives Considered includes language suggesting that the FEIR/S for the Segment has been completed⁴, but this is obviously not correct.
- The section concerning Ridership and Revenue/Travel Times/Travel Conditions does not address ridership. The CHSRA lacks evidence supporting the assumption that sufficient ridership requires station locations and track right-of-ways that cut through the heart of existing communities.

1151-3

III. Failure to Identify a Proposed Project or a Preferred Alternative in the DEIR/S

Neither the Report nor the forthcoming Final EIR/S can cure a major defect in the DEIR/S: the failure to identify a proposed project or preferred alternative. The DEIR/S presents three alternative Segment alignments, with no statement of the Authority's proposed project or "preferred alternative." The DEIR/S's failure to identify a preferred alternative has frustrated meaningful public participation. The DEIR/S was not sufficiently informative to permit the public to intelligently assess the environmental consequences of the Authority's proposed actions and to meaningfully comment on the proposed actions. This "shell game" approach to environmental impact analysis has prevented the public from identifying the alternative upon which to concentrate their attention during the comment period.

The CEQA statute and CEQA Guidelines are replete with provisions that assume the requirement to identify a preferred alternative. For example, pursuant to CEQA, an EIR must contain a detailed statement of "[a]ll significant effects on the environment of the *proposed project*" and alternatives "*to the proposed project*."⁵ The CEQA Guidelines also provide a project description shall include "[t]he precise location and boundaries of the *proposed project*

³ See Church & Dwight's DEIR/S Comment Letter, pp. 10-11, 38.

⁴ See Report, p. 7 ["The Hybrid Alternative] was carried forward and analyzed in the . . . Final EIR/EIS. . . ."]

⁵ Pub. Resources Code §§ 21100(b)(1), (b)(4), italics added.

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....⁶ The CEQA statutes and Guidelines contain other provisions with language strongly suggesting that there must be a single proposed project which is the subject of the environmental analysis. Because statutes should be interpreted according to their plain and unambiguous wording and since statutory provisions should be interpreted consistently with the apparent purpose and intention of the Legislature, CEQA plainly requires identification and analysis of a single proposed project.⁷ The Courts have repeatedly stressed the importance of a single, defined project description.⁸

Contrary to CEQA's requirements, the DEIR/S analyzes the impacts of three alternative projects, rather than a single project. By failing to describe a specific proposed project, and instead describing three similar alternatives, the DEIR/S violates CEQA. Even if the description of three alternatives in place of a single project description were not clearly prohibited, this approach violates CEQA because the description of three similar alternatives frustrates public participation and fundamentally compromises the goal of informing the public and decision makers of a project's environmental impacts. Here, the CHSRA's approach to describing and analyzing Segment alternatives, without identifying a preferred alternative or proposed project, thwarts the Legislature's intention that EIR's identify a single project and evaluate this proposed project in an EIR, comparing it to feasible alternatives, and modifying it in response to environmental information developed by staff and received in public comments.

As explained in our comment letter concerning the DEIR/S, the characteristics of the Segment under environmental review was unclear. Without a single, detailed and consistently described Segment on which to focus attention, the public is impermissibly left guessing about the true nature and extent of the components of the Segment that may ultimately be adopted, and therefore are not adequately informed about its environmental impacts. Additionally, the DEIR/S fails to adequately distinguish the significant impacts of the Hybrid Alternative from the impacts of the other alternatives.

In sum, while the public could understand that the project under review is a Segment to the overall HSR Project, it was impossible to fully understand the scope and scale of the impacts that will be caused by the Segment or that the now preferred Hybrid Alternative should be the focus of attention. While the DEIR/S discusses various alternatives, it does not focus on any single one of them. Thus, the DEIR/S fails to fulfill its informational purpose.

1151-4

IV. Ongoing Cooperative Efforts to Modify Route to Avoid Church & Dwight's Facility

Church & Dwight sincerely appreciates CHSRA's recent efforts to reduce the Segment's direct impacts to their Madera facility. CHSRA officials and staff recently met with Larry Thompson, the local plant manager for the Madera facility. We understand from this meeting that the Hybrid Alternative and the BNSF Alternative designs have been modified slightly in

⁶ CEQA Guideline Section 15124(a), italics added.

⁷ *Sutton v. Industrial Acc. Corn.* (1956) 46 Cal.2d 791, 797; see also *DeYoung v. City of San Diego* (1983) 147 Cal.App.3d 11, 18; see also *United Business Com. v. City of San Diego* (1979) 91 Cal.App.3d 156, 170.

⁸ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193["An accurate, stable and finite project description is the Sine qua non of an informative and legally sufficient EIR"]; see also *M.M. Homeowners v. San Buenaventura Cty. Etc.* (1985) 165 Cal.App.3d 357, 365 [same].

Submission 1151 (Jason Holder, Church & Dwight (Atty. for), February 1, 2012) - Continued

CHSRA Board

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order to reduce the Project's direct impacts to the facility. We note, however, that the Project will still traverse our client's property and will therefore require major modifications to the on-site infrastructure and processes. If the segment can be moved just 200 feet further west, then these impacts to the facility could be avoided altogether. This further design adjustment, which would avoid considerable expense and disruption, appears to be feasible. Our client looks forward to discussing this possible modification with CHSRA officials.

* * *

For the reasons stated above, we object to the selection of the Hybrid Alternative as the preferred alternative for the Segment. We urge the Board to instead direct staff to analyze an I-5 Alternative that includes plans for strategically located stations with local transit connections. If the Board selects the Hybrid Alternative as the preferred alternative, we urge further modifications of this alternative so that it avoids all direct impacts to Church & Dwight's facility.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By

Jason W. Holder

cc: (via e-mail only)
Jeff Abercrombie, CHSRA, Area Prog. Mgr Central Valley (merced_fresno@hsr.ca.gov)
Karen Sheehan, Church & Dwight, Associate General Counsel

Response to Submission 1151 (Jason Holder, Church & Dwight (Atty. for), February 1, 2012)

1151-1

See MF-Response-GENERAL-2 and MF-Response-GENERAL-24.

1151-2

1. The board packet was meant to summarize comments and so did not list individual commentors. The Authority has worked extensively with Church and Dwight on their specific concerns, and detailed responses to all comments received have been addressed in the Final EIR/EIS.
2. The report does note that several commentors – both individuals and agencies - asked for an extended comment period. The comment period was extended to 60 days to meet the concern (also see MF-Response-GENERAL-7).
3. Your comment regarding deferring impact analysis is noted. Per CEQA, the project environmental review is conducted on the best available information available at the time of review. For those impacts that are anticipated but cannot be readily determined, mitigation measures are identified with clear and reasonable performance standards to meet expectations of mitigating to less than significant results. An example would be disrupting archaeological findings. Due to the nature of accessibility and discover, these impacts are impossible to determine prior to construction. Section 106 provides for these circumstances in nearly any linear transportation project. However, to address the concern, this team has revised some of the impacts and mitigation measures upon receiving further design clarification.
4. Just as in the case of the Azteca Property impacts, refinements have been made on the alternatives to further avoid impacts. Under NEPA, impacts on each of the resources are balanced collectively, so that while one alternative may result in higher impacts under one resource, by reviewing both the natural and built environment together, the sum of impacts are less overall. However, as initially stated, efforts have been made to further minimize environmental impacts and the current design of the Hybrid and UPRR/SR99 Alternative are similar with respect to biological resource impacts. Once the project decision is made, design will continue to be refined with the intent to minimize impacts.
5. The Hybrid Alternative had not been analyzed in the Final EIR/EIS at the time of the

1151-2

Board Report (since the Final EIR/EIS had not been completed at that time), but has since been analyzed further and this analysis is included in the Final EIR/EIS.

6. The Final Program EIR/EIS for the Proposed California High-Speed Train System provides the justification for the stations and the purpose and need for a dedicated system. Ridership is a factor of the Interim Operable Segment or the statewide system because these communicate the full effects more thoroughly for noise and air quality evaluation. Ridership for the Merced Fresno Section would not be adequate to justify a High-Speed train, which is why the purpose and need acknowledges this section as a part of the entire statewide system. For more information on ridership, see MF-Response-GENERAL-6.

1151-3

The Proposed MF High-Speed Train project is described in Chapter 2, Alternatives, of the EIR/EIS. While there are three alternative routes for the MF HST analyzed in equal detail in the EIR/EIS, the project elements as described in Section 2.2, HST System Infrastructure, would be the same regardless of the route selected. Also see MF-Response-GENERAL-23.

1151-4

In coordination with Church and Dwight, project design modifications have been made to reduce the impacts of the project on the Church and Dwight Facility. Additional coordination with company representatives may result in further impact reductions if feasible.

Submission 158 (Christine Reichmuth, Church & Dwight Co Inc, August 29, 2011)



CALIFORNIA
High-Speed Rail Authority

08-29-11P03:36 RCVD

AUG 29 2011

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section

Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –

Public Hearings

September 2011

Tren de Alta Velocidad Sección Merced a Fresno

Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto

Medioambiental (EIR/EIS) - **Audiencias Públicas**

Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after **September 28, 2011** will
not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
recibidos después de **28 de septiembre** no se
responderá en el EIR/EIS final.

Name/
Nombre: Christine Reichmuth

Organization/
Organización: Church + Dwight Co Inc.

(Optional/Opcional)

Address/Domicilio: 31240 Ave 12

Phone Number/
Número de teléfono: 559-661-2790

City, State, Zip code/

Ciudad, estado, código postal:

Madera CA 93638

Email address/

Correo electrónico: Christine.Reichmuth@
Churchdwight.com

158-1

Find it interesting that as a business affected by one
of the proposed rail options we don't receive any
notification of the impact on our business until the
week of August 15.

Response to Submission 158 (Christine Reichmuth, Church & Dwight Co Inc, August 29, 2011)

158-1

See MF-Response-GENERAL-17.

Neither CEQA nor NEPA require direct notice of the availability of the DEIR/EIS to property owners or residents. The Authority/FRA have provided much more notice than required by law.

Submission 276 (Marlo Rivera, Church & Dwight Co Inc, August 29, 2011)



CALIFORNIA
High-Speed Rail Authority

00-29-11P03:36 RCVD

AUG 29 2011

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section

Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –

Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno

Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto

Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

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agosto y termina a 28 de septiembre. Comentarios
recibidos después de **28 de septiembre** no se
responderá en el EIR/EIS final.

Name/
Nombre: Marlo Rivera

Organization/
Organización: Church & Dwight Co Inc

(Optional/Opcional)
Address/Domicilio: 3519 Columbia

Phone Number/
Número de teléfono: _____

City, State, Zip code/
Ciudad, estado, código postal:
Selma CA 93662

Email address/
Correo electrónico: _____

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To whom it may concern

I'm writing because your High speed
Rail is about to run through ARE property
If that happen we could loose ARE Job
because of displacement. The Company with
will be moving to other plants on the East
Coast, so thank High Speed Rail for nothing,
The Track could be place elsewhere than
our property,

Response to Submission 276 (Marlo Rivera, Church & Dwight Co Inc, August 29, 2011)

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See MF-Response-SOCIAL-1. Based upon the comments received as part of the Draft EIR/EIS, the design of the Hybrid Alternative, the preferred alternative for the Merced to Fresno section, and the BNSF Alternative has been revised and the buildings associated with the Church and Dwight are no longer impacted.

Submission 717 (Jason Holder, Church & Dwight Company Inc. (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011)



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VIA ELECTRONIC MAIL, ORIGINAL TO FOLLOW BY OVERNIGHT MAIL

October 13, 2011

Merced to Fresno DEIR/DEIS Comment
Attn: Jeff Abercrombie, Area Program Manager Central Valley
770 L Street, Suite 800
Sacramento, CA 95814
E-mail: merced_fresno@hst.ca.gov

Re: CEQA Comments Concerning DEIR/DEIS for Proposed Merced to
Fresno Segment of High Speed Train

Dear Mr. Abercrombie:

This firm represents Church & Dwight Company, Inc. ("Church & Dwight"), owner of a manufacturing facility within the proposed right-of-way for two of the alternatives analyzed in the Draft Environmental Impact Report / Draft Environmental Impact Statement ("DEIR/S") document, prepared by the Federal Railroad Administration ("FRA") and the California High-Speed Rail Authority ("Authority") pursuant to the National Environmental Policy Act ("NEPA")¹ and the California Environmental Quality Act ("CEQA")² for the Merced to Fresno Segment of the California High-Speed Train Project (the "Project," "Proposed Action," or "HST"). Church & Dwight's facility is located at southeast of Madera, California, at 31266 Avenue 12 (APN 047-130-016).

The following comments, concerning the Authority's compliance with CEQA, are submitted on our client's behalf. We are also submitting a separate letter concerning the FRA's compliance with NEPA. As explained more fully below, the DEIR/S³ prepared for the Merced to Fresno Segment ("Segment") does not comply with the requirements of CEQA. Therefore, the Authority may not approve a preferred alternative for the Segment until an adequate DEIR is prepared and circulated for public review and comment.

¹ 42 U.S.C. §§ 4321 et seq. (2010).

² Cal. Pub. Resources Code, § 21000, et seq.

³ For convenience, the DEIR/S is referred to hereafter as the "DEIR."

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Merced to Fresno DEIR/DEIS Comment Page 2

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Church & Dwight is a large, publicly-owned company that manufactures and sells a wide variety of consumer and agricultural products.⁴ The BNSF and Hybrid Alternatives analyzed in the DEIR involve building the HST line directly over Church & Dwight's property, where its specialized manufacturing facility is currently located.⁵ If the FRA and the Authority select either of these alternatives as the preferred alternative for the Segment, Church & Dwight's facility will have to be demolished and relocated (assuming relocation is feasible). Demolition of the facility and any interruption in its production would result in severe adverse economic impacts to Church & Dwight, its vendors and its customers. For this reason, Church & Dwight have a direct interest in commenting on the Project and each of the proposed alternatives. Furthermore, as a long-standing member of the Madera community, Church & Dwight has an additional interest in promoting the community's interest by helping to ensure the Segment causes minimal local impacts. For these reasons, we intend to actively participate in the administrative and environmental review process for this Segment of the Project.

Church & Dwight did not receive any notice concerning the imminent threat to its facility posed by two of the Segment's alternatives until it received the Notice of Availability ("NOA") concerning the DEIR on August 9, 2011.⁶ Because our client received this notice after the comment period had commenced, we have not had the opportunity to develop comments with the assistance of technical experts, such as biologists, economists and traffic and air quality engineers. In a letter sent to the Authority and the FRA on September 28, 2011, we requested a four-month extension to the sixty-day comment period. As we stated in our letter, the requested extension of the comment period is necessary to allow sufficient time to review and comment on the voluminous DEIR, its supporting technical appendices and the two first-tier EIR/S documents upon which the DEIR is said to rely. Today, we received a response from the Authority denying our request for an extension to the comment period.⁷ Before the Authority and FRA make a decision concerning the preferred Segment alternative or before any decisions concerning the HST Project as a whole, Church & Dwight may elect to supplement these comments with additional comments, supported by comments from technical experts.

I. INTRODUCTION

California's ambitious HST project promises to offer significant public benefits, including reduced pollution and traffic, increased commerce along the HST right-of-way, an efficient alternative mode of travel across the state, the influx of millions of dollars of new spending at a time when local communities need it, and many new construction jobs. Of course, on the surface, these benefits are appealing. The extensive infrastructure required for the Project,

⁴ See Attachment A, Information Sheet Regarding Church & Dwight and the Madera Facility.

⁵ See Attachment B, Excerpts from Appendix 3.1a to DEIR, Index Sheet B and pp. 163-164.

⁶ Church & Dwight was not on the mailing list for the Notice of Preparation ("NOP") for the DEIR released on February 23, 2009, most likely because the original alternative routes for this Segment did not propose crossing over from the BNSF right-of-way to the UPRR right-of-way in the vicinity of Church & Dwight's property. (See Attachment C, Excerpts from NOP for Merced to Bakersfield HST system, dated February 23, 2009; see also Appendix D to NOP, Merced to Bakersfield Scoping Public Mailing List.)

⁷ The Authority's letter denying our request is dated October 6, 2011, but the letter was sent to us six days later, via overnight mail, on October 12, 2011. The letter does not explain the delay in transmitting the Authority's response. Apparently, the Authority intentionally timed the response to arrive on the day comments are due.

Submission 717 (Jason Holder, Church & Dwight Company Inc. (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - Continued

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however, will displace businesses, disrupt local economies, impact agricultural and natural resources, and consume scarce resources. The Authority and FRA must therefore carefully consider these potential direct, indirect and cumulative impacts caused by an ostensibly beneficial massive public infrastructure project.

The 800+mile HST project is comprised of nine segments, each evaluated separately at the project-level. While each of these segments, considered in isolation from the rest, might result in less-than-significant impacts after considerable mitigation efforts, they will each unavoidably tax the state's limited air, water, land, and biological resources to a potentially significant cumulative extent. The final toll taken by this ambitious and immense Project on California's environment, public health, natural resources, and economy base may not be known for several years or longer, but currently available and substantial evidence shows that the effects will be severe.

Under these unprecedented circumstances, it is even more imperative that this environmental document identify and analyze all of the Segment's impacts with the utmost degree of accuracy, care and detail. It is equally, if not more, imperative that any and all reasonable alternatives that are less environmentally damaging be presented and discussed as thoroughly as possible, together with any and all feasible mitigation measures. The strictures of CEQA and the maxims of sound public policy and informed environmental planning require nothing less. Based on these concerns, Church & Dwight, its employees and the Madera community have a strong interest in ensuring that this Segment of the Project complies with all applicable federal, state and local laws and regulations.

With that said, we must conclude with disappointment that this particular DEIR, despite its voluminous length and complexity, is so rife with omissions, incomplete analyses, and obsolete information that it simply does not even come close to complying with CEQA's rigorous environmental review and mitigation standards. As these comments will demonstrate, the DEIR is fatally deficient and must be substantially revised and recirculated for further public review and comment before it may be finalized.⁸

The DEIR does not describe all of the characteristics of the alternatives for the Segment. Moreover, as explained at length below, the Segment will generate a multitude of impacts in a number of impact areas, including: agriculture, air quality, public health, socioeconomics and community facilities, water supply, water quality, biological resources, and cultural resources. The Segment will also cause cumulatively considerable impacts in each of these resource areas. The DEIR either mischaracterizes, misanalyzes, underestimates, or fails to identify many of these impacts. The DEIR, for example, fails entirely to identify the impacts that will be caused by new and modified roadways, transmission infrastructure and bridges that will be required for the Segment. At the same time, many of the mitigation measures described in the DEIR will not, in fact, mitigate impacts to the extent claimed and in some instances will generate additional impacts that are not evaluated. Finally, the DEIR impermissibly truncates the scope of alternatives discussed, and consequently fails to consider reasonable feasible alternative approaches to the Segment's footprint (i.e., routes and wyes) that would altogether avoid several of the Segment's most serious impacts.

⁸ See 14 Cal. Code Regs. ("CEQA Guidelines"), § 15088.5.

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The Authority seems to have taken a cursory approach to impact analysis and mitigation formulation because the scope and size of the Segment's footprint and effects are so large. But this is precisely when a detailed and painstaking analysis is most necessary.

Below, after a brief summary of applicable legal requirements governing EIR preparation, we present our general comments and our more specific comments organized according to resource category. The general comments address analytical flaws that pervade the DEIR, while the specific comments address errors in individual analyses.

II. THE DEIR FAILS TO SATISFY CEQA'S PURPOSE AND GOALS

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁹ The EIR is the "heart" of this requirement.¹⁰ The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."¹¹ The courts have repeatedly emphasized the importance of the public's role in the CEQA process -- such participation supplies both vitality and legitimacy to the environmental review process.¹² An EIR must "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project."¹³

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring feasible alternatives or mitigation measures.¹⁴ "The EIR must set forth mitigation measures that the decisionmakers can adopt at the findings stage of the planning process."¹⁵ The mitigation requirement in CEQA has teeth, unlike the more "considerational" mitigation provisions of NEPA.¹⁶ Under CEQA, a lead agency must mitigate a project's significant impacts to the maximum extent feasible.¹⁷ The requirement to consider a reasonable range of alternatives to the Project is similar under both CEQA and NEPA.¹⁸

⁹ CEQA Guidelines § 15002(a)(1).

¹⁰ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

¹¹ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795.

¹² See, e.g., *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 392.

¹³ *Id.* at p. 405.

¹⁴ Pub. Resources Code, § 21002; see also CEQA Guidelines § 15002(a)(2)-(3); see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; see also *Laurel Heights Improvement Ass'n v. Regents of the Univ. of California* (1988) 47 Cal.3d 376, 400 (*Laurel Heights I.*).

¹⁵ Remy, et al., Remy, et al., *Guide to the California Environmental Quality Act* (Solano Press, 11th ed., 2006) (*Guide to CEQA*), p. 503.

¹⁶ See *id.* at pp. 37 - 38.

¹⁷ See *id.* at pp. 455-456.

¹⁸ See *id.* at p. 39.

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The DEIR for the proposed Project fails to comply with these basic requirements. First, the lack of complete, concise, clear, accurate and consistent information in the DEIR precludes an informed comparison of the alternatives for this Segment and an analysis of the Proposed Action. The 3,300-page DEIR is supported by thousands of pages of technical appendices and supposedly relies on thousands of pages of first-tier environmental review in two programmatic review documents. But the document does not reference these materials with enough precision to enable the reader to find the information and analysis that is relied upon. Instead, the reader must attempt to ferret out this information. The lengthy analysis is far from concise or clear. Second, the Authority failed to take a hard look at all of the Segment's impacts. The DEIR does not even describe all of the Segment's features, and it presents a generalized analysis of many potentially significant impacts and conclusory statements concerning the effectiveness of vague mitigation measures. Third, the Authority impermissibly limited its alternatives analysis. The DEIR relies on an arbitrarily narrow purpose and need statement and fails to consider design modifications to each alternative that could substantially reduce impacts.

For these reasons, and as further explained below, the DEIR precludes a meaningful analysis of the Segment's impacts and the means devised to avoid or reduce them. The Authority must therefore revise the DEIR and recirculate the revised DEIR for public review and comment before making a decision concerning the Segment or the HST project as a whole.

III. GENERAL COMMENTS

A. The DEIR Does Not Adequately Tier Off of or Incorporate by Reference the Analysis of Two First-Tier Environmental Review Documents.

The analytical process known as "tiering" allows a lead agency to prepare a series of EIRs (or negative declarations), moving from general, regional concerns to more site-specific considerations with the preparation of each new document.¹⁹ "Tiering" refers to "the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared."²⁰ "When an EIR incorporates an earlier environmental document by reference, 'the incorporated part of the referenced document shall be briefly summarized where possible' and '[t]he relationship between the incorporated part of the referenced document and the EIR shall be described.'"²¹

The DEIR supposedly relies upon the analyses of two first-tier environmental review documents.²² The DEIR does not clearly explain, however, how the EIR/S for the Bay Area

¹⁹ Pub. Resources Code, §§ 21068.5, 21093, 21094; CEQA Guidelines, §§ 15152, 15385.

²⁰ *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 236; see also *In re Bay-Delta Etc.*, 43 Cal.4th at p. 1173 ["Future environmental documents may incorporate by reference general discussions from the broader EIR, but a separate EIR is required for later projects that may cause significant environmental effects inadequately addressed in the earlier report"], citing Guidelines, § 15152, subs. (a) & (f).

²¹ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 443 (*Vineyard Area Citizens*), quoting CEQA Guidelines, § 15150, subd. (c).

²² See DEIR, Summary, pp. S-1, S-4.

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segment of the HST updated the analysis from the 2005 Programmatic EIR/S for the entire HST system, nor does the DEIR consistently or clearly explain how its analysis relies upon either of these two previously prepared documents. With thousands of pages of background analysis to sift through, and thousands of pages of project-level analysis and technical reports to review, the public is left to wonder how this document fits into the overall analytical structure of this complicated and muddled tiering scheme.²³

This attempt at tiering and incorporation by reference fails to satisfy CEQA's requirements. "When an EIR uses tiering or incorporation, it must give the reader a better road map to the information it intends to convey."²⁴

The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. "[I]nformation 'scattered here and there in EIR appendices,' or a report 'buried in an appendix,' is not a substitute for 'a good faith reasoned analysis.'"²⁵

The DEIR does not provide the required summary of issues discussed in the two broader first-tier EIRs, nor does it adequately incorporate by reference the discussions from these EIRs.

For example, the chapter concerning Alternatives states that two of the alternatives considered in this DEIR are based on alternatives considered at the first-tier review level in the 2005 EIS/EIR and in the 2008 and 2010 EIS/EIRs prepared for the Bay Area segment.²⁶ The chapter includes a brief description concerning the preferred BNSF Alternative from the 2005 EIS/EIR and the preferred UPRR Alternative from the 2010 EIS/EIR, but does not explain why the Authority and FRA came to inconsistent conclusions concerning the preferred alternative in these prior first-tier analyses. As such, the explanation confuses rather than clarifies this issue.

The DEIR also fails to acknowledge that the Authority previously found the HST system as a whole would have significant and unavoidable impacts, requiring a Statement of Overriding Considerations.²⁷ CEQA requires the Authority to squarely address the Project's contribution to these significant and unavoidable impacts.²⁸ By concluding that many construction-related

²³ The reviewer's task is made much more difficult because the links to the Statewide Program EIR/S are not named with an informative description of the document. See, e.g., websites for Volumes 1-3 of the Statewide Program EIR/S, available at: http://www.cahighspeedrail.ca.gov/final_pgrm_eircisreport_vol1.aspx, http://www.cahighspeedrail.ca.gov/finalpgrm_eircisreport_vol2.aspx, and http://www.cahighspeedrail.ca.gov/finalpgrm_eircisreport_vol3.aspx, respectively. The reader must open each link in order to determine what portion of the analysis the link contains.

²⁴ *Vineyard Area Citizens*, supra, 40 Cal.4th at p. 443, citing CEQA Guidelines, § 15150, 15153.

²⁵ *Vineyard Area Citizens*, supra, 40 Cal.4th at p. 442, quoting *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239.

²⁶ See DEIR, Alternatives, p. 2-1.

²⁷ Compare DEIR, p. 6-3 with Statewide Program EIR/EIS, pp. 7-1 - 7-2.

²⁸ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124-125 (*CBE*) ["Even though a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts"]; see also *People v.*

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impacts will be mitigated to less-than-significant levels and that impacts to biological resources would also be less than significant, without acknowledging and addressing the significant and unavoidable impacts associated with the HST system, the DEIR obscures impacts rather than reveals them.

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B. Information in the DEIR Concerning the Characteristics of the Proposed Action is Incomplete and Inaccurate.

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally adequate EIR."²⁹ Without it, CEQA's objective of fostering public disclosure and informed environmental decision-making is stymied. One leading CEQA treatise succinctly describes the problems created by an inadequate project description:

The adequacy of an EIR's project description is closely linked to the adequacy of the EIR's analysis of the project's environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake.³⁰

The project description must be accurate and consistent throughout an EIR.³¹ It is impossible for the public to make informed comments on a project of unknown or ever-changing proportions. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs"³²

A project is "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately" . . . including "the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies."³³

A complete and consistent description of the Segment and the affected environment is necessary for the public and decision makers to understand the effects of the project and its alternatives.³⁴ A clear description results in more focused and meaningful public input, a more complete identification of issues, development of reasonable alternatives, sound and focused analysis and interpretation of effects, Authority deliberation and a supportable decision. For a

County of Kern (1974) 39 Cal.App.3d 830, 842 [CEQA serves important function of ensuring that "the environmental and economic values of [the agency's] elected and appointed officials" are fully disclosed to the public].

²⁹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.

³⁰ Kostka and Zischke, *Practice Under the California Environmental Quality Act*, § 12.7, pp. 580-581 (Jan. 2011 update) (*Practice Under CEQA*).

³¹ *County of Inyo*, 71 Cal.App.3d at 192.

³² *Id.* at pp. 192-193.

³³ CEQA Guidelines § 15378(a), (c); see *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143.

³⁴ See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1450; see also *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713.

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project-level EIR, such as the DEIR for this Segment, which is intended to address *all* of the Segment's environmental impacts, a complete and detailed description of all components of each alternative is required.

The importance of an accurate and complete description of the Project and its environmental impacts is especially critical here, given the immense scale of the Project. Construction of the 800±mile HST line and operation of HSTs along the line will dramatically impact every aspect of the ecosystem and human environments along the entire route and the areas surrounding the right-of-way. The 65±mile Merced to Fresno segment of the HST line, on its own, and in combination with the rest of the HST system, will have major impacts to the region's natural and built environment and economy.

The DEIR vaguely describes the range of acres that would be acquired for the Merced to Fresno HST segment: the figure ranges from 2,500 to 3,300 acquired acres.³⁵ The DEIR does not provide a simple, straightforward and comprehensive breakdown of the types of uses on these acres, nor does it provide information concerning the total amount of acres required for each alternative.³⁶ It also does not provide an estimate of the amount of acres that will be disturbed out of the total amount of acquired acres. As such, these vague figures, which only appear in the Summary chapter and are not explained elsewhere, are not sufficiently informative to the public or the decision-makers.

As discussed further below, the DEIR also failed to accurately identify all Project characteristics, as required.³⁷ Project characteristics not sufficiently described and considered in the DEIR include, but are not limited to:

- New or modified transmission lines and substations that will be necessary, in some areas that lack existing or sufficient electric infrastructure, to provide power to this Segment of the HST system and associated new or modified access roads and spur roads³⁸;
- New or modified irrigation and drainage facilities along this segment of the HST system that would be necessary to accommodate the Project³⁹;
- New or modified bridges over streams and rivers necessary for HST line crossings⁴⁰;

³⁵ See, e.g., DEIR, Summary, p. S-7 ["the total acquisition area for the Merced to Fresno Section would be between 2,500 and 3,300 acres"].

³⁶ See generally *id.* at Chapter 2, Alternatives.

³⁷ See *Practice Under CEQA*, § 12.8, pp. 581-582.

³⁸ The DEIR describes some, but not all, of these transmission system upgrades and related infrastructure. DEIR, pp. 2-13 - 2-14, 2-42. The analysis of impacts associated with transmission system upgrades is perfunctory. See, e.g., DEIR, p. 3.6-37 - 3.6-38.

³⁹ Again, the DEIR mentions these necessary facilities but does not describe them at a meaningful level of detail. *Id.* at p. 2-42.

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- Modified freeway interchanges, ramps and approaches and modified frontage roads for the UPRR Alternative (and the other alternatives to the extent these modifications are required);
- Road closures that would be required for each alternative, and any modifications to existing roadways that would be required as a consequence of road closures⁴¹;
- New or modified roadway overpasses along this segment of the HST system that would be necessary to accommodate the Project⁴², including the proposed roadway overpass at Avenue 12, adjacent to Church & Dwight's property, which is only vaguely depicted in an appendix to the DEIR,⁴³ but not described anywhere in the DEIR text; and
- Hazardous waste cleanup activities for the proposed Heavy Maintenance Facility ("HMF") Castle Commerce location.⁴⁴

The DEIR does not describe these major Segment characteristics and many more minor characteristics in sufficient detail to enable an accurate project-level review of environmental impacts. The lack of detail also denies meaningful public participation and compromises responsible decision-making by public agencies. The Authority must revise the DEIR to provide a reasonable, thorough, good faith and objective presentation of the Segment's characteristics, the qualities of the affected environment, and the respective environmental consequences of each alternative.

The discussion concerning the construction plan for the Segment is also inadequate. For example, the section concerning preconstruction activities fails to mention the preconstruction surveys for sensitive species that will be required pursuant to mitigation measures. Clearance surveys may also be required for the species found in disturbance areas, but, except for two vague references in mitigation measures⁴⁵, the DEIR is silent on this issue. In addition, this section suggests that there are other Segment characteristics that were either not described or insufficiently identified in the preceding sections in the chapter concerning alternatives (such as the relocation of utilities and the closure of roads).⁴⁶

Without an adequate and thorough project description that includes all components and characteristics of a proposed project, the lead agency cannot conduct an adequate analysis of

⁴⁰ See *id.* at pp. 2-8 - 2-9, 2-65. The impacts from bridge construction has not been analyzed. See, e.g., *id.* at p. 3.7-57 [analysis of impacts to jurisdictional waters states "Final bridge design plans are not currently available, but construction may require work below the ordinary high-water mark"].

⁴¹ *Id.* at p. 2-41.

⁴² *Ibid.*

⁴³ See Attachment B, Appendix 3.1a to DEIR, Index Sheet B and pp. 163-164.

⁴⁴ See DEIR, pp. 2-13 - 2-14, 2-42 - 2-88. This cleanup operation and the underlying contamination may alternatively be considered a characteristic that must be described as part of the environmental setting.

⁴⁵ See *id.* at p. 3.7-127 [Bio-MM#23, Bio-MM#25].

⁴⁶ See *id.* at p. 2-98.

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project impacts, propose adequate mitigation measures or meaningfully evaluate project alternatives. For example, the Authority has not analyzed the impacts associated with additional components of the Segment discussed above. Potentially significant impacts not identified or evaluated in the DEIR include, but are not limited to, the following:

- Air quality – Equipment used for construction of roadway modifications and additions required to accommodate the Segment. This equipment would emit nitrogen oxides ("NO_x"), volatile organic compounds ("VOC"), particulate matter ("PM₁₀" and "PM_{2.5}"), carbon monoxide ("CO") and carbon dioxide ("CO₂"), among other harmful pollutants. The Segment area is classified extreme non-attainment for ozone precursors, nonattainment for PM_{2.5}, and designated a maintenance area for PM₁₀.⁴⁷ Operation of this additional equipment during Project construction will produce emissions of these pollutants -- emissions not considered in the DEIR.
- Water Quality – Access roads and spur roads will likely be built along the transmission line routes and may be required along the portions of the Segment that lie outside existing transportation corridors. These roads will impact natural drainage patterns. All HST alternatives will also impact natural drainage patterns, and while the DEIR acknowledges this, it fails to specifically describe the "in-stream" and upland work required at and near water crossings and does not address other more minor modifications to existing drainage systems.⁴⁸ The transmission line roads and HST alternative rights-of-way will cause unaddressed impacts to water quality.
- Biological resources – The area that will be impacted by undisclosed roadway modifications, new or modified bridges, and new transmission lines and associated roads support a variety of biological resources, including threatened and endangered species. Roadway and transmission line construction and operation would temporarily and permanently disturb habitat supporting these species.

We emphasize that this is not a complete list of the potentially significant impacts associated with the undescribed roadway modifications and other proposed Project features. The DEIR must identify, evaluate and mitigate, where feasible, all of the potentially significant impacts associated with all Project features, including those identified above.

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C. The DEIR Fails to Accurately Describe the Environmental Setting.

The environmental setting constitutes the baseline against which project impacts are measured.⁴⁹ The determination of existing environmental conditions is an important aspect of an EIR because, without an adequate description of the environmental setting, it is impossible to conduct an accurate analysis of a project's impacts and to develop sufficient mitigation measures and project alternatives.⁵⁰ "CEQA requires that the preparers of the EIR conduct the

⁴⁷ DEIR, pp. 3.3-12, 3.3-23.

⁴⁸ *Id.* at p. 3.8-24.

⁴⁹ See CEQA Guidelines, § 15125; see also *Practice Under CEQA*, §§ 12.16 - 12.17, p. 594.

⁵⁰ See *Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 120-124 (*Save Our Peninsula*).

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investigation and obtain documentation to support a determination of pre-existing conditions. [Citation.] This is a crucial function of the EIR.”⁵¹

An accurate description of the affected environment is an essential prerequisite for an adequate analysis of Segment impacts. For example, information on the type(s) and level(s) of habitat disturbance in the Segment area is necessary to make inferences about the presence, abundance, and distribution of the special-status species that may be impacted by the Segment. Here, as explained in more detail in the section concerning biological resource impacts below, the surveys conducted to identify the environmental baseline information for the Segment alternatives were inadequate in numerous respects. The DEIR must be revised to accurately describe the affected environment.

More than a month *after* the Authority released the DEIR for public review and comment, a *draft* wetland delineation report was released and made available on the Authority’s website.⁵² The delay in making this report available to the public for review violates CEQA’s requirements.⁵³ Further, the information from this recently released draft wetland delineation report and the accompanying appendices could not have been incorporated into the DEIR and, therefore, is not reflected in the analysis of impacts to wetlands. The DEIR cannot possibly satisfy CEQA’s requirements for analyzing all impacts to the aquatic environment (and obligate species), especially in a manner sufficient for the U.S. Army Corps of Engineers (“Corps”) to make its decision on the permit required under Section 404 of the Clean Water Act (“CWA”), without an analysis that is based on an accurate baseline, as established through a formal wetland delineation. Mitigation Measure Bio-MM#55 requires the preparation of a jurisdictional delineation, but this delineation is a beginning step for the analysis, and may not be deferred until after the Segment has been approved.

In addition, the analysis must compare each of the alternative’s impacts against the environmental baseline, not against the forecast conditions that will exist under the No Project Alternative condition described in the DEIR. “CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan; it concerns itself with the impacts of the project on the environment, defined as the existing physical conditions in the affected area.”⁵⁴ The Authority is prohibited from minimizing the impacts of the Segment by claiming the impacts are relatively small in comparison to the impacts that will be caused by projected regional growth by 2035. This “ratio theory” approach to analyzing impacts has been discredited.⁵⁵ The

⁵¹ *Id.* at p. 122.

⁵² See Wetland Delineation Report, dated August 2011, available at: http://208.82.222.137/pdfs/fresno_merced/tech_reports/mf_wdr_tr.pdf. This report, and its supporting technical appendices, were not posted on the Authority’s website until after September 28, 2011, the close of the comment period for the CWA Section 404 permit application.

⁵³ See CEQA Guidelines, § 15150(b) [“Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building.”]

⁵⁴ *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 709 (*Woodward Park*), citing *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354.

⁵⁵ See *CBE*, 103 Cal.App.4th at pp. 118-120.

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DEIR commits these errors routinely, with respect to impacts to several categories of impacts, including agriculture, air quality and traffic.⁵⁶

D. The DEIR’s Analysis of Many Segment Impacts is Too Vague and Generalized.

“A legally adequate EIR . . . ‘must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug.’”⁵⁷ The EIR “must reflect the analytic route the agency traveled from evidence to action.”⁵⁸ “The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in an EIR.”⁵⁹

The DEIR does not provide sufficient “site-specific” analysis that would allow the Authority to rely on it as the final environmental review document for the Segment. The DEIR, for example, fails to analyze the impacts that will be caused by construction of infrastructure in rural areas. Also, while the DEIR lists the proposed infrastructure for the Segment, it fails to provide sufficiently detailed environmental review for these facilities. Further, the analysis of most impacts, while lengthy and convoluted, is vague and conclusory. The typical analysis identifies the possibility of significant impacts, mentions an array of undefined and generalized mitigation measures that “may” or “could” be implemented and then states the conclusion that the identified potential impacts would not be significant with mitigation. The DEIR, however, fails to specifically explain how the poorly defined mitigation measures will effectively reduce impacts.

E. Impacts Caused by Mitigation are Inadequately Analyzed, or Not Analyzed at All.

“An EIR is required to discuss the impacts of mitigation measures.”⁶⁰ The DEIR fails to satisfy this CEQA requirement in numerous respects. Below, we discuss some, but not all, unaddressed mitigation impacts.

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1. Failure to Analyze Impacts Caused by Mitigation Measures Calling for Freeway and Roadway Modifications

The DEIR describes many traffic mitigation measures that would themselves cause impacts.⁶¹ Widening State Route 99 and adding lanes at many intersections throughout the region will certainly cause traffic, air quality, noise and other impacts that must be analyzed in

⁵⁶ See, e.g., DEIR, pp. 3.2-6, 3.2-35, 3.3-10 - 3.3-110, 3.3-46 - 3.3-48, 3.3-51, 3.14-22.

⁵⁷ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

⁵⁸ *Ibid.*

⁵⁹ CEQA Guidelines, § 15146.

⁶⁰ *Save Our Peninsula*, 87 Cal.App.4th at p. 130; see also CEQA Guidelines, § 15126.4(a)(1)(D).

⁶¹ See DEIR, pp. 3.2-107 - 3.2-126.

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the DEIR. The DEIR states, however, without any supporting evidence that “[n]one of these mitigation measures would create secondary significant impacts.”⁶²

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2. Failure to Analyze Impacts Caused by Sound Walls

To address noise impacts, the DEIR includes a mitigation measure that allows the construction of sound walls as a possible measure.⁶³ The DEIR includes maps that identify “potential mitigation noise locations” but it does not specify where such sound walls would likely be built, or identify criteria to determine the location and characteristics of sound walls. While the DEIR acknowledges that sound walls may have visual impacts, it fails to analyze such impacts or suggest any measures that could reduce those impacts.

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3. Failure to Analyze Impacts Caused by Wildlife Corridor Undercrossings and Wildlife Fencing

The measure requiring the creation of wildlife corridor undercrossings and wildlife fencing do not acknowledge or address any potential impacts to species or water quality that could be caused by these measures.⁶⁴ Some animals may avoid using undercrossings, and wildlife fencing may cause further harm to species by unnecessarily restricting movement and creating perching sites for ravens and birds-of-prey.

4. Failure to Analyze Impacts Caused by Habitat Restoration Activities

Some mitigation measures for impacts to biological resources call for habitat restoration and enhancement activities.⁶⁵ While these activities may be considered benign, they can have adverse environmental impacts that the Authority must analyze.⁶⁶

5. Failure to Evaluate the Impacts of Herbicide Use for Weed Abatement

The Authority must analyze impacts associated with herbicide use for weed abatement. Mitigation measure BIO-MM #4 would allow the use of unidentified permitted herbicides, but the DEIR lacks any analysis of the impacts that the use of herbicides could cause to biological resources, agriculture, and sensitive human receptors. The Authority must identify which herbicides will be used and disclose any studies that prove the herbicides are harmless.

⁶² *Id.* at p. 3.2-107.

⁶³ *Id.* at p. 3.4-45 - 3.4-52.

⁶⁴ *Id.* at p. 3.2-122 - 3.2-123.

⁶⁵ *See, e.g., id.* at p. 3.7-46, 3.7-54, 3.7-64, 3.7-109 [Bio-MM#15], 3.7-111 [Bio-MM#22], 3.7-120 [Bio-MM#43].

⁶⁶ *See, e.g., California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 195 [rejecting CEQA exemption claims for “project involves the physical reshaping of the land to create wetlands and uplands for habitat”].

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F. The DEIR Fails to Adequately Address the Irreversible Commitment of Resources Associated with the Project.

The impacts analysis must include a discussion of the significant irreversible environmental changes which would be involved in the proposal should it be implemented.⁶⁷ The DEIR includes a cursory, single paragraph, discussion of this issue.⁶⁸ The discussion fails, however, to quantify the resources that will be irreversibly committed to this Segment of the larger Project or to the larger Project as a whole. As such, the discussion does not acknowledge and disclose the unprecedented consumption of resources entailed in this massive public infrastructure project. The discussion does not adequately alert the public and the decision-makers of the Segment’s adverse ramifications to scarce resources. While the HST system may provide benefits to the region and the state, describing these benefits in this section is improper.

IV. SPECIFIC COMMENTS REGARDING IMPACT ANALYSES AND MITIGATION MEASURES

The DEIR does not consider all of the Project’s significant and foreseeable environmental impacts to biological resources, water resources, air quality, agricultural resources or cultural resources, among other resources. The Authority’s failure to adequately analyze and mitigate (to the extent feasible) all of the Project’s impacts violates the basic requirements of CEQA.⁶⁹ The Authority must revise its impacts analysis and recirculate the revised DEIR for public review and comment.

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A. Impacts to Transportation

1. Construction-Related Impacts to Rural Areas Were Insufficiently Analyzed.

The DEIR fails to adequately address the construction-related impacts to traffic and transportation. The chapter concerning transportation impacts states that “Chapter 2, Alternatives, and the Merced to Fresno Section Transportation Technical Report (Authority and FRA 2011a) describe the type of changes that would take place at each roadway crossed by the proposed HST alignments,” but this is not accurate. As discussed above, Chapter 2, which is supposed to describe in detail each alternative, does not describe all characteristics of each alternative, including the changes at each roadway crossed by the proposed HST alignments. Similarly, the Merced to Fresno Section Transportation Technical Report does not describe all characteristics of each alternative. As a result, the DEIR lacks sufficient information concerning the characteristics of the alternatives upon which to base a sufficiently detailed project-level analysis.

For example, neither the DEIR chapter concerning Transportation impacts nor the Transportation Technical Report analyze the construction and operational impacts to traffic on Avenue 12 in the vicinity of Church & Dwight’s facility. Much of the attention is focused instead on urban areas, in the vicinity of proposed stations and HMFs. Only one paragraph in the

⁶⁷ *See* CEQA Guidelines, § 15126.2(c), 15127(c); *see also* Pub. Resources Code, § 21100(b)(2)(B).

⁶⁸ *See* DEIR, p. 6-3 - 6-4.

⁶⁹ *See* Pub. Res. Code § 21100(b)(1); CEQA Guidelines § 15126.2(a).

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Transportation Technical Report is devoted to analyzing the myriad construction-related traffic impacts that would occur in rural areas.⁷⁰ This paragraph concludes, without any supporting substantial evidence and with no detailed analysis, that these construction-related traffic impacts would be less-than-significant under CEQA. This cursory and unsupported analysis, which is merely repeated verbatim in the DEIR⁷¹, is insufficient under CEQA. Constructing the overpass at Avenue 12, as well as other overpasses and changes to rural roads, will have traffic impacts that must be addressed in the revised and recirculated DEIR.

The cursory discussion under the heading Regional Transportation Impacts from Construction Material Hauling is similarly deficient because it dismisses, without any real analysis, the possibility of significant traffic impacts caused by construction material hauling. The Segment will require the importation by rail and truck of a massive amount of materials. Transportation of these materials will impact a wide variety of roadways across a wide region of the state.⁷² The potential for these construction related traffic impacts across the region is substantial, and must be analyzed with a much greater degree of care. As it stands, the so-called analysis merely dismisses the potential for impacts with no substantial evidence to support the conclusion.

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2. The Efficacy of Proposed Mitigation Measures is Not Analyzed and the Mitigation Measures are Not Enforceable.

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.⁷³ To the extent that the Segment results in significant transportation impacts, the Authority must ensure that feasible measures are defined and enforceable.⁷⁴

The DEIR concludes, without supporting evidence or any level of analysis, that mitigation measures proposed at the programmatic EIS/EIR stage would reduce most transportation impacts to less-than-significant levels.⁷⁵ The DEIR's discussion concerning these measures repeats, without any modification, the discussion from the first-tier documents:

Sufficient information is not available at this programmatic level to conclude with certainty that the above mitigation strategies would reduce impacts around

⁷⁰ See Transportation Technical Report, p. 6-172.

⁷¹ See DEIR, p. 3.2-34.

⁷² See, e.g., *id.* at p. 3.9-3 [Figure 3.9-1 -- depicting locations of five rock quarries in other areas of the state with capacity to supply the ballast and sub-ballast material for the segment].

⁷³ See, e.g., *Kings County Farm Bureau*, 221 Cal.App.3d at p. 727 [finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available]; see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116 ["no substantial evidence [in EIR] that the mitigation measures are feasible or effective in remedying the potentially significant problem of decline in water levels of neighboring wells"].

⁷⁴ See CEQA Guidelines, § 15126.4(a)(1)-(2); see also *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-794; see also *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029 (SOCA); see also *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1262.

⁷⁵ See DEIR, p. 7-2.

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stations to a less than significant level in all circumstances. This document therefore concludes that traffic impacts around station areas may be significant, even with the application of mitigation strategies. Additional environmental assessment would allow a more precise evaluation in the second-tier, project-level environmental analyses. The co-lead agencies will work closely with local government agencies at the project level to implement mitigation strategies.⁷⁶

Because the DEIR purports to analyze the transportation impacts of the Segment at the project level, it must be revised to fully analyze the effectiveness of each of the proposed mitigation strategies identified at the first-tier stage.

The project-specific measures identified in the DEIR are deficient in several respects. The DEIR does not describe these measures in sufficient detail, it does not analyze their feasibility, and it does not analyze the impacts that would be caused by these measures. For example, the DEIR does not analyze the availability of off-street parking around each of the proposed station sites, does not identify potential remote parking sites for construction workers, does not analyze the traffic impacts that could be caused when using remote parking sites and does not analyze the feasibility of using shuttle buses to transport workers from remote parking sites. These are just some of the deficiencies of one of the nine generic measures for transportation impacts mentioned in the DEIR.⁷⁷ The DEIR fails to analyze the efficacy of these measures if they are implemented during the prolonged construction of the Segment.⁷⁸ Construction-related transportation impacts will obviously be significant, and must be addressed in the revised DEIR.

Mitigation Measure TR MM#1, concerning maintaining access for property owners, is deficient. The measure does not provide performance standards and it does not state what additional measures will be taken if alternative road access is not feasible and the property cannot be acquired. This measure would apparently apply to access impacts at Church & Dwight's property if either of two alternatives are selected. It is therefore especially important to our client that the efficacy of this measure be tested at this location. Of course, the measure's efficacy must also be tested at all other locations where the HST system will impact property access.

The DEIR fails to provide any supporting analytical data concerning the efficacy of the measures designed to address HST Intersections and Roadway Impacts (Measures TR MM#3 through TR MM#11) with respect to many of the intersections and roadways that would be impacted by the Project, including Avenue 12 in vicinity of Church & Dwight's facility. The perfunctory listing of these measures, without additional analysis, violates CEQA's requirements.⁷⁹

⁷⁶ *Ibid.*

⁷⁷ *Id.* at pp. 7-2 - 7-3.

⁷⁸ See *id.* at p. 2-96 ["the Authority intends to begin final design and project construction in the fall of 2012, with construction to be completed by December 2019 for the HST track and stations and by December 2021 for the HMF"].

⁷⁹ See *Laurel Heights I*, 47 Cal.3d at p. 407 [substantial evidence must support conclusion that mitigation measure will be effective].

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Finally, the Authority's failure to coordinate mitigation measures with Caltrans and the affected cities and counties to address impacts to freeway mainlines and ramps and to streets and roads is similar to a county's failure to commit to specific mitigation measures rejected in *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1121-1122. In *Gray v. County of Madera*, an EIR prepared for a 900,000 ton per year aggregate quarry required the applicant to "[c]ontribute an equitable share of the cost of construction of future improvements[.]"⁸⁰ The court struck down the adopted fee program, because there was "no definite commitment on when improvements [would] take place[.]"⁸¹ The same error has occurred here. The Authority must coordinate all mitigation measures for transportation impacts with Caltrans and local jurisdictions and must commit to implementing the measures in a clearly described and timely manner.

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B. Impacts to Air Quality

1. Failure to Analyze the Segment's Impacts

The analysis of the Segment's air quality impacts does not explain the methodologies and assumptions that form the basis of the analysis. For example, the DEIR vaguely explains:

Project-specific data, including construction equipment lists and the construction schedule, were used when available. Where project-specific data were not available, URBEMIS 2007 default settings were used. Calculations were performed for each year of construction.⁸²

However, the DEIR does not explain what project-specific data was not available, nor does it explain the model default settings that were used in lieu of project-specific data.

The Air Quality chapter's discussion of the Segment's construction schedule differs from the schedule discussed in the Alternatives chapter.⁸³ In addition, the Air Quality chapter does not mention the survey and preconstruction activities identified in the Alternatives chapter. These activities will also have air quality impacts that must be considered in the analysis.

The Air Quality section fails to accurately report existing air quality conditions. For example, Figure 3.3-3 does not report the Merced M Street Monitoring Station air pollutant levels, but instead repeats the Merced Coffee Street Monitoring Station levels.

The DEIR discussion concerning air quality impacts associated with hauling track ballast and subballast does not identify the amount of ballast material that would be imported, nor does it explain where this massive amount of crushed rock material would likely come from.⁸⁴ An

⁸⁰ 167 Cal.App.4th at p. 1121.

⁸¹ *Id.* at p. 1122.

⁸² DEIR, p. 3.3-20.

⁸³ Compare *id.* at p. 3.3-21 - 3.3-22 with *id.* at pp. 2-97 - 2-100.

⁸⁴ Some limited information concerning the potential sources of ballast material is provided in the chapter on soils and geology, but the air quality chapter fails to incorporate or cross-reference this information and fails to analyze the air quality impacts associated with transporting material from these locations. *Id.* at pp. 3.9-2 - 3.9-3.

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adequate and informative analysis must disclose this fundamental information. The Air Quality Technical Report includes a table that provides cursory information concerning the estimated amount of ballast expected to be used, but this information is not incorporated into the DEIR.⁸⁵ In addition, the technical report does not provide a total figure for ballast materials available within the air basin and the amount of ballast material expected to be imported from out of the air basin.

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The Air Quality Technical Report states that because "[t]he rail would be delivered by train car through railroads near the project site within the existing railroad operation capacity . . . the associated emissions of rail delivery were not included in the analysis."⁸⁶ This approach is inappropriate, however, because many additional train trips will necessarily be required to deliver the substantial volume of rail material.⁸⁷ Further, other equipment, such as cranes and forklifts, will presumably be necessary to transport the rail from the delivery car to the track sites. The emissions of all of this equipment must be calculated to achieve an accurate measure of the air quality emissions associated with Segment construction.

The DEIR also failed to consider the emissions associated with delivering and applying millions of gallons of water during the prolonged construction phase.⁸⁸ Water will presumably need to be hauled by truck to project disturbance areas, but the DEIR fails to identify the likely sources of water for each area within the 65-mile long segment, or the distances trucks must travel to deliver water. These water deliveries, along with the application of water to stockpiles, unpaved construction areas and roads, will contribute significantly to construction phase emissions of a variety of harmful pollutants.

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2. Failure to Require Mitigation Measures to Address Identified Impacts

The DEIR vaguely identifies mitigation measures that "may be applied to the project."⁸⁹ The description of these measures does not provide enough detail to determine their requirements of efficacy. As discussed above, CEQA requires that the DEIR include clearly defined and enforceable mitigation measures.⁹⁰ Vaguely identifying measures that may or may not be applied to the Segment does not suffice.

⁸⁵ Air Quality Technical Report, pp. 6-25 - 6-26.

⁸⁶ *Id.* at p. 6-20.

⁸⁷ *Id.* at pp. 6-25 - 6-26.

⁸⁸ See generally DEIR, Ch. 3-3, Air Quality; see also Air Quality Technical Report.

⁸⁹ DEIR, pp. 3.3-71 - 3.3-72.

⁹⁰ See CEQA Guidelines, § 15126.4(a)(1)-(2).

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C. Impacts to Water Supplies

1. Failure to Analyze Construction-Related Impacts to Water Supplies

This chapter of the DEIR/R states that the “[w]ater demand estimates for construction are based on an estimated 5-year construction period concluding in 2020.” This approach is likely to underestimate the construction-related water demand because it assumes construction will be completed at the early end of the estimated timeline described in the Alternatives chapter. The DEIR should be revised to reflect a conservative construction period of approximately 6.25 years.⁹¹

The DEIR relies on outdated information concerning current groundwater levels in the area that will be impacted by the Segment. For example, the discussion of groundwater levels near the City of Merced rely on information from the County produced in 1990.⁹² Groundwater levels in the Merced region have fluctuated significantly since then, with recent drops due to increased water demand and a prolonged drought.⁹³ In addition, recently the U.S. Bureau of Reclamation reported that three of the subbasins in the San Joaquin River Hydrologic Region (Chowchilla, Eastern San Joaquin, and Madera) are in a critical condition of overdraft.⁹⁴ The DEIR must be updated to reflect accurate baseline water supply conditions; this will enable measurement and reporting of the true severity of the Segment’s impacts to water supplies.

This area of the San Joaquin Valley receives an average of 11 inches of rain per year, with the vast majority of that rain occurring from October through March.⁹⁵ During the late spring through early winter, the area is dry and arid. Because the soils in the area are prone to wind erosion during construction, dust control is a necessary mitigation measure to control particulate matter air pollution. Measures required to control dust may include⁹⁶:

- All disturbed areas, including storage piles, that are not being actively utilized for construction purposes, will be effectively stabilized of dust emissions *using water*

⁹¹ DEIR, p. 2-97, Table 2-15 [describing average duration for each construction phase from mobilization and site preparation through light construction].

⁹² See *id.* at p. 3.8-21.

⁹³ See WSA for Wal-Mart Regional Distribution Center (City of Merced, 2006), p. 18 [“On average, the subbasin water level has declined nearly 30 feet from 1970 through 2000. The period from 1970 through 1978 showed steep declines totaling about 15 feet. The 10-year period from 1978 to 1988 saw stabilization and a rebound of about 10 feet. 1988 through 1995 again showed steep declines, bottoming out in 1996 with water levels rising from 1996 to 2000. Water level declines have been more severe in the eastern portion of the subbasin”], available at: <http://www.cityofmerced.org/civica/filebank/blobload.asp?BlobID=7096>.

⁹⁴ See Draft Program EIS/R for San Joaquin River Restoration Program (USBR, April 2011) p. 12-15, citing California Water Plan Update (DWR 2009), available at: http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=7560.

⁹⁵ See DEIR, p. 3.8-10; see also Air Quality Technical Report, p. 5-1 [“January is typically the wettest month of the year with an average of about 2 inches of rain”].

⁹⁶ See DEIR, p. 3.3-8 [discussing SJVAPCD Rule 8011 requirements].

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or a chemical stabilizer/suppressant, or covered with a tarp or other suitable cover or vegetative ground cover.

- All onsite unpaved roads and offsite unpaved access roads will be effectively stabilized of dust emissions *using water* or a chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities will be effectively controlled of fugitive dust emissions by utilizing an application of *water* or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building will be *wetted* during demolition.
- When materials are transported offsite, all material will be covered or effectively *wetted* to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
- All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient *wetting* to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, piles will be effectively stabilized of fugitive dust emissions utilizing sufficient *water* or a chemical stabilizer/suppressant.

The DEIR recognizes that water will be used for dust control during construction⁹⁷, but underestimates the quantity of water that will be needed to control dust during the prolonged construction period for this Segment of the HST system.

The DEIR also fails to provide sufficient information concerning its assumptions for construction-period water use. The cursory information summarized in Table 3.6-11, entitled “Construction Phase Water Consumption,” does not reveal critical information, including: (1) the amount of disturbed acres that will be watered daily for dust control, (2) the assumed quantity of water that will be applied to each acre of disturbed areas per day to control dust, and (3) the likely suppliers of water for the Segment.

A project that will require the use of millions of gallons of water for construction, located in an arid region already experiencing substantial groundwater overdraft, cannot possibly be found to have a less-than-significant impact to water supplies under CEQA.⁹⁸ The DEIR asserts that the impact may be beneficial “due primarily to a reduction in irrigated agricultural lands”

⁹⁷ See DEIR, p. 3.3-19 [“Control measures that construction contractors will be required to implement as outlined in the Statewide Program EIR/EIS were incorporated in the analysis, such as *watering unpaved access roads three times daily, watering disturbed areas two times daily*, and promptly replacing ground cover over disturbed areas”], emphasis added.

⁹⁸ See *id.* at p. 3.6-29; see also *id.* at p. 3.8-25; but see *id.* at p. 3.8-31.

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but the estimated amount of agricultural lands that would be taken out of production, reported elsewhere in the DEIR, is not substantiated in the DEIR or in any of the technical appendices.⁹⁹ The cursory dismissal of this potentially significant impact to water supplies constitutes a failure to analyze this critically important subject.

2. Failure to Adequately Analyze the Segment's Impacts to Aquifer Recharge

The DEIR acknowledges that, once built, the Segment could impact recharge of groundwater aquifers.¹⁰⁰ After this acknowledgment, this cursory section concludes, without any supporting evidence that "[b]ecause of the narrow linear project footprint, impacts on groundwater recharge would be . . . less than significant under CEQA."¹⁰¹ This analysis and determination falls short of what CEQA requires in several respects.

First, the issue of groundwater recharge is of critical importance in the area affected by the Segment, and must therefore be addressed responsibly in this analysis. Indeed, the DEIR concedes that groundwater resources in the area are already in a state of chronic and severe depletion, noting for example that:

In Madera County, groundwater is the main source of both urban and agricultural water. Groundwater pumping greatly exceeds natural recharge, a condition known as overdraft. The current average annual overdraft in the valley floor portion of Madera County, which includes the study area for both alternatives, is approximately 100,000 acre feet per year.¹⁰²

Since the groundwater in the Segment area is already subject to extreme overdraft, even a modest reduction in recharge could result in a cumulatively significant contribution to the already dire condition of the groundwater table.

Second, the statement regarding the "narrow linear project footprint" does not provide substantial evidence to support the conclusion that the Segment's interference with recharge will be "negligible." To reach this conclusion, the total amount of area rendered impermeable would need to be calculated, the level of interference with groundwater recharge would need to be calculated, and then this would need to be compared against some quantitative or qualitative significance criteria that took account of the high reliance on and already depleted status of groundwater resources in the project area. Without this information, the statement about the project's less-than-significant effects on groundwater recharge is wholly conclusory.

⁹⁹ See *id.* at p. 3.8-31.

¹⁰⁰ *Id.* at p. 3.8-33 ["Portions of the study area serve as recharge areas. . . . In these areas, the project . . . would reduce infiltration and groundwater recharge because the alternatives would increase impermeable surfaces and redirect runoff"].

¹⁰¹ *Ibid.*

¹⁰² DEIR, p. 3.8-21, citations omitted.

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Third, as discussed further below, the DEIR improperly piecemeals the analysis of the Segment's impacts to aquifer recharge by considering the Segment in isolation, rather than as part of a whole HST system.

3. Failure to Consider the Impacts of this Segment and Neighboring HST Segments on Groundwater Pumping and Aquifer Recharge

The Segment's impact on groundwater pumping and recharge cannot be viewed in isolation from the larger HST system's impacts on groundwater pumping and recharge. That is, if other segments of the HST Project would result in similarly substantial groundwater pumping and impermeable surfaces that would (taken together) significantly interfere with the levels and recharge of groundwater aquifers that are also affected by this Segment, then the cumulative impacts of those other segments on groundwater levels and recharge must also be considered in the DEIR, so that the impacts to groundwater of the HST system as a whole are considered. One cannot "segment" or "piecemeal" this analysis under CEQA by concluding that each separate segment, considered independently, would result in less than significant adverse recharge impacts.¹⁰³ Because the division between segments analyzed by the Authority is in no way correlated with groundwater basins, the DEIR's analysis of impacts to these basins cannot ignore the contributing impacts of neighboring segments. This type of piecemealing/segmentation is prohibited under CEQA.

D. Impacts to Water Quality

1. Inadequate Analysis of the Segment's Impacts to Rivers, Streams and Other Drainage Features

The DEIR acknowledges that constructing the HST line will require in-stream work at water crossings, but summarily dismisses the possibility of significant construction-related impacts to water quality.¹⁰⁴ The analysis similarly concludes, without any supporting evidence, that design features of the HST system and mitigation measures would reduce impacts to water quality to negligible levels.¹⁰⁵ The DEIR provides no evidence or quantitative analysis to support these conclusions.

The Authority must provide the public with a complete and final Hydrology Report and Storm Water Pollution Prevention Plan ("SWPPP") before selecting an alternative. Information normally contained in these reports helps the public understand and assess the water table, the natural flow pattern onsite and offsite and the measures adopted to address flooding.¹⁰⁶ Without the basic information contained in these reports, the public cannot meaningfully assess the Segment's impacts.

¹⁰³ The first-tier environmental review documents may have addressed the whole of the Project's impacts on aquifer recharge, but these documents are not cited in this analysis or otherwise incorporated by reference.

¹⁰⁴ DEIR, p. 3.8-24 - 3.8-27.

¹⁰⁵ *Id.* at pp. 3.8-24, 3.8-31 - 3.8-32, 3.8-34 - 3.8-35.

¹⁰⁶ *Id.*

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The Authority's failure to provide accurate information on impacts to drainages precludes meaningful public input on the Proposed Action's affect on drainages and on alternatives to the Proposed Action. The Authority must provide this information so that it can take a hard look at impacts to the drainages and provide mitigation where feasible. Feasible mitigation measures include compensation to restore and enhance bioswales and downstream drainages.

The analysis also fails to consider the impacts to water quality that may be caused by project design features that will be developed "[d]uring the detailed design phase."¹⁰⁷ For example, constructing onsite stormwater management facilities may cause increased turbidity and erosion to downstream waters. The DEIR calls for using "quarry stone, cobblestone, or their equivalent for erosion control along rivers and streams, complemented with native riparian plantings or other natural stabilization alternatives that would restore and maintain a natural riparian corridor, where feasible,"¹⁰⁸ but does not analyze the impacts to water quality and biological functions and values that will result from such modifications to natural river and stream channels. These optional design features are also insufficiently described. Failing to consider the impacts to water quality caused by modification to natural and built drainage features and facilities is a form of impermissible piecemeal review.¹⁰⁹

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2. Failure to Consider Compliance with Section 1602 of the California Fish & Game Code

The Segment will require a streambed alteration agreement from the CDFG under Section 1602 of the Fish & Game Code. However, the DEIR includes only a passing reference to this requirement.¹¹⁰

The California Fish & Game Code requires project applicants to obtain a streambed alteration agreement from the CDFG before substantially diverting, obstructing, or changing a river, stream, or lake.¹¹¹ A "stream" is defined as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life.¹¹² This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.¹¹³

Each of the alternatives considered in the DEIR would cross several rivers and streams within the CDFG's jurisdiction.¹¹⁴ Construction of the Segment and associated infrastructure, including bridges and transmission line access and spur roads, will alter the natural flow patterns

¹⁰⁷ *Id.* at p. 3.8-37.

¹⁰⁸ *Ibid.*

¹⁰⁹ *See Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829 (*Santiago*) [EIR failed to analyze impacts of constructing facilities necessary to deliver water to project].

¹¹⁰ DEIR, p. 3.8-3.

¹¹¹ Cal. Fish & Game Code § 1602.

¹¹² Dep't of Fish & Game, A Field Guide to Lake and Streambed Alteration Agreements Sections 1600-1607 (1994).

¹¹³ *Id.*

¹¹⁴ DEIR, pp. 3.8-26 - 3.8-27.

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of these drainage features. Thus, the CDFG must issue a streambed alteration agreement before any Segment construction activities impact these drainage systems.

Because a streambed alteration agreement is required from the CDFG before modifications to the drainages can occur, the Authority must ensure compliance with Section 1602 of the Fish & Game Code before approving the Project.¹¹⁵ Failure to receive the necessary permits could jeopardize downstream drainages and wildlife, as well as violate California law. The Authority must revise the DEIR to reflect and disclose compliance with the Fish & Game Code.

E. Impacts to Biological Resources and Special-Status Species

1. The Analysis of Impacts to Biological Resources Relies on Incomplete Baseline Data.

As discussed above, the DEIR analysis of impacts to biological resources is not based on an accurate environmental baseline for these resources. The DEIR reports that field surveys for special status plant species were conducted in the early Spring 2011¹¹⁶, but does not acknowledge the numerous substantial limitations of these surveys. For example, as the technical report points out, surveys were not conducted on private lands where access was not readily granted.¹¹⁷ Later, it is revealed that *approximately 80% of the study area for impacts to biological resources have not been surveyed* as a result of this limitation.¹¹⁸ In addition, as of yet, no *fall* rare plant surveys have been conducted, as is recommended.¹¹⁹ Similar baseline problems compromise the analysis of impacts to wildlife and to wetlands and other jurisdictional waters.¹²⁰

Despite incomplete information regarding the presence of rare plants, wetlands and special-status wildlife both on and near the Segment's potential disturbance areas, the DEIR concludes that many of the Segment's impacts to these biological resources will be reduced to less-than-significant levels through mitigation.¹²¹ The botanical, wetland and wildlife surveys, however, have not provided an adequate basis for (1) analyzing potential Project impacts or (2) supporting this conclusion as to impacts.

Although the DEIR attempts to analyze the impacts and formulate mitigation measures before adequate survey data are obtained, the analysis and mitigation may change after the

¹¹⁵ *See id.* at p. 3.7-43; Comprehensive Biological Assessment p. 59.

¹¹⁶ *See* DEIR, p. 3.7-6.

¹¹⁷ *See* Biological Resources and Wetlands Technical Report, pp. 3-15 - 3-23; *see also* Special-Status Plants Survey Report Merced to Fresno Section, pp. 3-7 - 3-8. The DEIR identifies the relatively limited acreage within the Segment's disturbance area that was surveyed for special status plants (18% in March 2011 and 21% in April and May), but this information is not provided for surveys for other biological resources. *See* DEIR, p. 3.7-8.

¹¹⁸ *Id.* at p. 3-23.

¹¹⁹ *Id.* at pp. 3-16 - 3-17, 3-23; *see* Attachment D, CNPS Botanical Survey Guidelines (Rev'd June 2, 2001), p. 2.

¹²⁰ *See* DEIR, pp. 3.7-6 - 3.7-7; *see also* Biological Resources and Wetlands Technical Report, pp. 3-17 - 3-22.

¹²¹ *Id.* at pp. 3.7-131 - 3.7-150.

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additional survey efforts are better able to identify impacts to rare plants, wetlands and special-status wildlife. The revised baseline data that makes up the affected environment must be shared with the public and the public should have the opportunity to comment. Without this information, the DEIR fails to define the affected environment and fails to analyze the Segment's impacts on that environment.

2. The Analysis of Impacts to Biological Resources is not Sufficiently Specific, is Confusing, and thus Fails to Provide Information Sufficient to Compare Alternatives.

Deferral of site-specific detailed analysis is sometimes sufficient for large projects such as this that are subject to multiple-tier environmental review.¹²² In this case, however, the time for detailed site-specific analysis is now, because no further environmental review will be conducted for this Segment and the Authority will authorize construction of the Segment based on this environmental review document.¹²³

The generic and qualitative discussion of construction and operation direct and indirect impacts to biological resources that would be caused by each alternative fails to satisfy CEQA's requirement to provide detailed information sufficient to allow a clear comparison between alternatives.¹²⁴ For example, the analysis of indirect construction impacts to special status wildlife species under each alternative is repeated virtually verbatim.¹²⁵

The Authority must conduct detailed surveys for plant and wildlife species that may be impacted by the Segment. While 100% survey coverage of the large disturbance area may not be feasible, the Authority must make a concerted effort to gather as much detailed information concerning the biological resources that may be impacted by the Segment as it reasonably can. This is especially important here, because the linear nature of the 65-mile Segment means it will impact a wide variety of habitats.

Further, the organization and structure of the analysis is not sufficiently clear to even the experienced reviewer of environmental review documents. Because many of the headings are identical and not numbered, and the analysis appears identical in many sections, it is quite easy to become confused about which aspect of the project or which type of impact is being discussed in a particular section. The DEIR should be revised to include numbered headings and to more clearly describe the type of impact analyzed at the beginning of each section.

¹²² See, e.g., *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 372 [A program EIR functioning as a first-tier document need not provide detailed, site-specific analysis]; see also *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 532.

¹²³ See CEQA Guidelines, § 15146.

¹²⁴ See DEIR, pp. 3.7-43 - 3.7-63; see also *Vineyard Area Citizens*, 40 Cal.4th at p. 441 ["CEQA's informational purpose 'is not satisfied by simply stating information will be provided in the future'"].

¹²⁵ See *id.* at pp. 3.7-58 - 63

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3. The Analysis of Impacts to Several Protected Wildlife Species is Deficient.

Under CEQA, the lead agency must analyze the significant direct and indirect effects of the project.¹²⁶ "The discussion should include relevant specifics of the area" including "the resources involved" and "alterations to ecological systems. . . ."¹²⁷ "While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."¹²⁸

Because only very limited focused and protocol-level plant and wildlife surveys have been conducted¹²⁹, the DEIR fails to adequately analyze the Segment's impacts to plant and wildlife species. Below, we describe some of the inadequacies in the analysis concerning three protected species, but this problem pervades the analysis of impacts to every species present within the Segment area.

(a) Inadequate Analysis of Impacts on the Western Burrowing Owl

The Western Burrowing Owl ("WBO") is protected by the Migratory Bird Treaty Act, considered a Bird of Conservation Concern by the USFWS, and Sensitive species by the Authority.¹³⁰ The WBO's special status both federally and within the State mandates that the Authority take a hard look at any potential impacts the Project may have on the species. The Authority has not conducted surveys that follow established protocol for the WBO.¹³¹ Instead, only *very limited* surveys have been conducted and a mitigation measure calls for protocol-level surveys.¹³² The Authority must revise the DEIR to contain a hard look at the Project's impacts to the species.

The DEIR acknowledges that suitable habitat for WBO exists along each of the alternative routes for this Segment.¹³³ The biologists that conducted limited field surveys may have missed observing burrowing owls because the surveys were deficient. It is important that the Authority specifically determine the extent to which the WBO is present within the areas that

¹²⁶ See CEQA Guidelines, § 15126.2 ["Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects"].

¹²⁷ *Ibid.*

¹²⁸ CEQA Guidelines, § 15144.

¹²⁹ See, e.g., Biological Resources and Wetlands Technical Report, p. 3-16 ["Protocol-level surveys for [valley elderberry longhorn beetle] were not conducted"], p. 5-56 ["Where property access was granted, focused special-status plant surveys were conducted.], p. 5-60 ["No focused surveys were conducted for special-status wildlife species"]; see also *id.* at pp. 5-130, 5-133 [mitigation measures requiring protocol-level surveys for Western Burrowing Owl and San Joaquin kit fox].

¹³⁰ U.S. Fish & Wildlife Serv., *Status Assessment & Conservation Plan for the Western Burrowing Owl in the United States*, pp. 4-5 (2003).

¹³¹ See Attachment E, CDFG Staff Report on Burrowing Owl Mitigation (October 1995), pp. 4-5.

¹³² DEIR, p. 3.7-116; see also Biological Resources and Wetlands Technical Report, p. 5-130.

¹³³ DEIR p. 3.7-57.

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could be affected by each of the alternative route. This determination is essential for analyzing impacts to the WBO, selecting between alternatives, and adequately mitigating potentially significant impacts. The DEIR must be revised to include: (1) accurate baseline information regarding the presence of WBO along each alternative route, (2) a detailed analysis of how each alternative would impact the WBO and (3) mitigation measures that would avoid or reduce impacts to WBO.

(b) Inadequate Analysis of Impacts on the Golden Eagle

The Golden eagle is protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. A Golden eagle was observed "in non-nesting, vernal pool habitat along the BNSF alignment."¹³⁴ Despite this observation, the analysis of the Segment's impacts on species does not even mention potential impacts to the Golden eagle.

Because a Golden eagle was observed near the BNSF alternative route and typical prey species occur in the area, it is reasonable to assume the Segment is within the hunting territory of the Golden eagle. The Authority must therefore consult with the USFWS and conduct a focused survey for this species. *No* focused surveys for Golden eagles have been conducted, however. Instead a pre-construction survey would be required as a mitigation measure.¹³⁵ The DEIR must be revised to reflect the survey results and must provide a thorough analysis of the Segment's impacts to this fully protected species.

(c) Inadequate Analysis of Impacts on the San Joaquin Kit Fox

The San Joaquin kit fox ("kit fox") is listed as endangered under the ESA and as threatened under the CESA. The DEIR recognizes the potential for the kit fox to forage and den in the areas that would be affected by the Segment.¹³⁶

As with other species with high potential to occur in the areas that would be impacted by the Segment, *no* protocol-level surveys have been conducted for the kit fox. Instead, a pre-construction survey for this species is proposed as a mitigation measure.¹³⁷ Again, this deferred approach to establishing the environmental baseline and analyzing impacts is inadequate under CEQA.

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4. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

An EIR must propose and describe mitigation measures sufficient to minimize the significant adverse environmental impacts identified in the EIR.¹³⁸ The described mitigation

¹³⁴ Biological Resources and Wetlands Technical Report, p. 5-32.

¹³⁵ See DEIR, pp. 3.7-114 - 3.7-115; see also Biological Resources and Wetlands Technical Report, pp. 5-128 - 5-129.

¹³⁶ See, e.g., DEIR, pp. 3.7-7, 3.7-45, 3.7-58, 3.7-62, 3.7-70 - 3.7-71.

¹³⁷ See DEIR, p. 3.7-119.

¹³⁸ Pub. Resources Code, §§ 21002.1(a), 21100(b)(3).

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measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact.¹³⁹ Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.¹⁴⁰ A lead agency may not make the required CEQA findings unless uncertainties regarding the mitigation of significant environmental impacts have been resolved.¹⁴¹

CEQA specifically requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts and describe those mitigation measures in the EIR.¹⁴² In this case, the DEIR discussion of mitigation measures to avoid or minimize impacts to special-status and other species is inadequate.

(a) Failure to Clearly Identify Applicable Mitigation Measures from Statewide EIS/R

The DEIR fails to identify mitigation measures from the Statewide EIS/R that will be applied to mitigate impacts to each biological resource that will be affected by this Segment. This approach violates CEQA.¹⁴³

The following mitigation measures *could be* implemented to reduce substantial, adverse environmental impacts and effects resulting from the construction and operation of the Merced to Fresno Section HST System. These mitigation measures *could be* incorporated into the MMRP and grouped by construction and project periods.¹⁴⁴

Statements under each area of impact (e.g., plants, wildlife, etc.) suggest that measures Bio-MM #1 through Bio-MM #14 could "potentially apply" to mitigate impacts. Without a clear indication of which mitigation measures *will* apply to the Segment, the public is left to wonder which measures will be required and whether impacts will be adequately mitigated. The DEIR must be revised to clearly indicate the measures the Authority intends to apply to this segment and must also conclude whether the applicable measures will effectively avoid or reduce the identified impacts.¹⁴⁵

¹³⁹ CEQA Guidelines § 15370.

¹⁴⁰ *Id.* at § 15126.4(a)(1)(B).

¹⁴¹ See *Federation of Hillside & Canyon Associations*, 83 Cal.App.4th 1252, 1259.

¹⁴² Pub. Resources Code, §§ 21002, 21081(a), 21100(b)(3); CEQA Guidelines § 15126.4.

¹⁴³ See *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1259, 1262 [mitigation measures must be "incorporated into the project or required as a condition of project approval in a manner that [would] ensure their implementation"].

¹⁴⁴ DEIR, pp. 1.7-106.

¹⁴⁵ This comment applies to every measure that uses the phrase "other measures that potentially apply . . . include" or similar language

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(b) **Failure to Specify Requirements for Measures Designed to Avoid or Reduce Impacts to Biological Resources**

CEQA prohibits a lead agency from improperly deferring the formulation of mitigation to address identified impacts. A number of courts have interpreted this restriction:

Sundstrom and *Gentry* stand for the proposition that it is improper to defer the formulation of mitigation measures until after project approval; instead, the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts, must occur before the project is approved. On the other hand, *SOCA* stands for the proposition that when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure in the EIR, as long as it commits to mitigating the significant impacts of the project. Moreover, under *SOCA*, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study.¹⁴⁶

Here, the DEIR violates this standard for improper deferral of mitigation in a number of critical respects.

For example, Bio-MM#16, which provides mitigation for impacts to trees, states that trees that will be directly impacted by construction must be transplanted to a "suitable site" but fails to describe where trees should be transplanted to, what criteria applies to transplantation locations or who will decide these important issues. The measure also does not describe any steps that must be taken if transplanted trees do not survive.

Also, Bio-MM#15 and Bio-MM# 43, which require post-construction revegetation of disturbed areas and jurisdictional waters, respectively, are similarly flawed. The measures require revegetation of all disturbed areas using "appropriate plants and seed mixes" but do not provide any criteria for determining what is appropriate in each disturbance area, nor do the measures address who will be responsible for deciding which plants and seeds are appropriate.

Preconstruction surveys are generally conducted within short time before construction is scheduled to begin, in order to ensure an accurate understanding of site conditions and to prevent impacts. If the surveys are conducted too soon, the conditions within the disturbance areas may change (e.g., an animal or plant not present at the time of survey may occupy the surveyed area following the survey). The DEIR fails to specify the timing for various pre-construction surveys. This problem is common to the following mitigation measures:

- Bio-MM#16 (Trees);
- Bio-MM#17 (Rare Plants) (this measure also fails to define the "appropriate" season for conducting preconstruction surveys for rare plants);

¹⁴⁶ *California Native Plant Soc. v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621, citing *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, and *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011 (*SOCA*).

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- Bio-MM#19 (Invertebrates) - this measure also fails to define the "suitable" interval for conducting preconstruction surveys for wetland habitats;
- Bio-MM#23 (Tiger Salamander);
- Bio-MM#25 (Western Pond Turtle);
- Bio-MM#28 (Raptors);
- Bio-MM#29 (Other Breeding Birds);
- Bio-MM#31 (Swainson's Hawks);
- Bio-MM#36 (Bats); and
- Bio-MM#41 (Kit Fox).

Bio-MM#40, which concerns potential impacts to the American Badger appears to be the only measure that specifies a time limit (30 days) prior to construction within which the surveys must be conducted. The appropriate timing for pre-construction surveys must be developed for each of the plant and animal species impacted by the Segment and this timing must be specified in the respective mitigation measure.

Many of the mitigation measures use the term "as feasible." This phrase serves to weaken the measures, diminishing their promised effectiveness because many of the requirements could be summarily determined to be infeasible. The DEIR must carefully restrict the use of the term "as feasible" so that the measures are sufficiently protective.¹⁴⁷

Similarly, measure Bio-MM#7 is so watered down it is meaningless as a protective measure. The measure, entitled, Delineate Environmentally Sensitive Areas and Environmentally Restricted Areas, states "Prior to ground-disturbing activities, *to the extent practicable*, verify that environmental sensitive areas and environmentally restricted areas (ERAs) are delineated *as appropriate*." The emphasized clauses in this provision make the extent of mitigation actually accomplished by this measure impossible to assess. The existence of a significant impact following mitigation, or need for other mitigation, cannot be determined.

(c) **Mitigation Measures that Require Pre-Construction Surveys for Special-Status Plants and Wildlife and Their Habitat Do Not Correct Inadequate Baseline Information and Impact Analysis**

Mitigation for impacts to plants and wildlife is similarly inadequate. The DEIR acknowledges that approximately 80% of land that will be disturbed by the Project has never been surveyed for rare plants and special-status species.¹⁴⁸ The mitigation measures attempt to

¹⁴⁷ This comment applies to every mitigation measure that uses the phrase "as feasible" or similar language.

¹⁴⁸ The DEIR and Biological Resources Technical Report do not reveal which areas have been surveyed nor do they explain the relative biological functions and values of these areas, as compared to the un-surveyed areas.

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correct this major deficiency by proposing pre-construction surveys for these resources. Similarly, the mitigation measure concerning impacts to jurisdictional waters calls for a formal wetland delineation. Given the extensive and disparate areas that have not been surveyed, this approach constitutes a failure to identify the existing environmental baseline and analyze the Segment's impacts to the plants and wildlife.

(d) Measures Requiring Compensatory Mitigation for Impacts to Plants and Animal Species are Inadequate.

To the extent mitigation is achieved through compensation habitat, it is essential that the mitigation measure include performance standards such as "no net loss" of habitat and require acquisition of habitat lands of equivalent functions and values. Providing a simple ratio for compensation is inadequate, because there is no guarantee the replacement habitat will be of equivalent value to the habitat that is lost. In addition, potential compensation habitat should be identified to ensure that the proposed mitigation strategy is feasible.

Developing feasible mitigation for impacts to biological resources must occur *now*, during the environmental review process for the HST system and this Segment. The public and decision makers must be able to ascertain whether or not adequate compensatory habitat *will be* provided. This is currently not possible, because the DEIR relies primarily on conjecture and preliminary conclusions, neither of which may be used to satisfy the requirement that EIRs provide effective, enforceable mitigation for impacts. To the extent in-lieu fees are proposed as mitigation measures, the DEIR must demonstrate that such fees will actually result in mitigation of the Project's impacts on special-status species and their habitat, as well as on wetlands.¹⁴⁹ Currently, there is insufficient evidence supporting the assumption that collection of in lieu fees for impacts to biological resources will result in mitigation.

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F. Hazardous Waste Related Impacts

1. Failure to Adequately Analyze Release of Harmful Contaminants During Construction

The DEIR acknowledges the risk of disturbing undocumented contaminated soil and water along the entire length of this Segment, but fails to provide a quantified analysis of this risk and fails to propose any mitigation that would minimize the risk. Instead, the analysis relies on the development of a construction management plan that would "prescribe[] activities for workers to follow in areas with suspected presence of undocumented soil or groundwater contamination based on visual observation or smell."¹⁵⁰ The release of contaminants may occur without any visual signs or odors. For example, the release of soils contaminated with arsenic could go undetected because arsenic is colorless and odorless. The analysis must be revised

¹⁴⁹ See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 (*Anderson First*) [cumulative traffic impacts analysis held inadequate because agency relied on uncertain funding and therefore had insufficient evidence to conclude that necessary road improvements would, in fact, be built]; see also *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 727-728 [EIR's treatment of groundwater issues was deficient in part because there was no evidence in the record showing that any replacement water was, or would be, available for purchase].

¹⁵⁰ See *id.* at p. 3.10-20. The DEIR merely assumes that procedures for detecting hazardous soil and water contamination will be included in the construction management plan, but does not make this a requirement.

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based on a reasonable investigation of the potential for contaminants along each of the alternative routes for the 65-mile segment and mitigation measures must be developed that will adequately protect workers, neighboring communities, and the environment.

The DEIR also acknowledges that:

Demolition of buildings and roadways containing asbestos and lead-based materials would require specialized procedures and equipment, and appropriately certified personnel. Buildings and roadways intended for demolition that were constructed before 1980 would be surveyed for asbestos, while those constructed before 1971 would be surveyed for lead. A demolition plan would be prepared for any location with positive results for asbestos or lead. The plan would specify how to appropriately contain, remove and dispose of the asbestos and lead-containing material.¹⁵¹

This section provides no information whatsoever on the nature, cost or effectiveness of these "specialized procedures and equipment" or the content of the "plan" that would presumably require these "specialized procedures and equipment." Without additional information about the effectiveness and feasibility of such procedures, it is impossible to determine whether such procedures are likely to avoid the adverse public health impacts associated with lead and asbestos.

Additionally, this section does not indicate that the Authority has made any attempt to determine which buildings/roadways were constructed prior to 1980 (in terms of asbestos) and which buildings/roadways were constructed prior to 1971 (in terms of lead paint). This information is needed to determine the potential extent of the risk of release of hazardous substances during construction and to address public health concerns related to asbestos and lead paint, which in turn would provide the basis for evaluating the significance and scope of such concerns. Information regarding the date of construction for buildings is readily available in local building department files, and pursuant to CEQA's requirement that the lead agency investigate and disclose all that it reasonably can, the Authority is required to such readily available files.

In terms of CEQA compliance, the approach for asbestos/lead paint suggested in the DEIR does not constitute adequate mitigation, as there is no information provides about the nature or effectiveness of the mitigation and no benchmarks to ensure its performance.

2. Inadequate Analysis and Unsubstantiated Determination for Sites in Project Area Subject to Deed Restrictions and Institutional Controls

Section 3.10.4.2 states: "[S]ites with closed cases and no further action status *might* be under *deed restrictions* or *other institutional controls* that might hinder subsequent development. These sites are *not* discussed further herein because of the reduced likelihood they would pose a potential health risk."¹⁵² This section also states, in a similar vein, that "[f]or

¹⁵¹ *Ibid.*

¹⁵² See *id.* at p. 3.10-10, emphasis added.

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purposes of this evaluation, historical PECs [Potential Environmental Conditions] are closed cases or have a 'no further action' required status and, as such, were determined unlikely to require further remedial actions.¹⁵³ The disclosures and analysis here do not support the determination reached, and furthermore do not satisfy CEQA's requirements for investigating and analyzing project impacts.

As conceded in this section, many sites with subsurface hazardous contamination are issued "closure" or "no further action" letters in conjunction with deed restrictions and institutional controls. These restrictions and controls are put in place because there are elevated levels of hazardous substance contamination on the site, but this contamination is not likely to lead to releases and exposure *provided the uses and conditions of the site do not change*.

A commonplace "institutional control" forbids excavation and trenching on sites as such activities might disturb and expose the contaminants. The DEIR indicates that, in conjunction with the construction of the Segment, excavation and trenching will generally be required. It is very easy to determine whether a site is subject to a deed restriction or institutional control -- one simply needs to do a title search for the property. Yet, this section of the DEIR/DEIR indicates that the lead agencies have made no attempt to perform such a title search for the sites in the Segment potential disturbance areas, to determine which of the sites are subject to deed restrictions/institutional controls, the nature of these restrictions/controls, and the extent to which these restrictions/controls are compatible with the Segment's necessary excavation and trenching work. Rather, this section of the DEIR simply states that there "might" be such sites (without any further analysis) and then jumps to the conclusion that all "closed" sites (i.e., sites that have "not further action required status") are unlikely to pose a potential risk in connection with the project.

This analysis fails to meet CEQA's requirements in at least two respects. First, given the availability of title reports, CEQA's requirement of a "good faith effort at full disclosure"¹⁵⁴ obligates the lead agencies to go beyond the vague concession that there "might" be sites subject to deed restrictions/institutional controls, and in fact identify and assess those properties that are actually/in fact subject to such restrictions/controls. Second, given that the Segment's proposed excavation and trenching are exactly the type of development activities prohibited by many deed restrictions/institutional controls, there is not substantial evidence to support the determination that it is "unlikely" that the project activities would pose a potential health risk in terms of hazardous materials. This determination is not based on facts or analysis but rather is simply raw speculation. CEQA requires more.¹⁵⁵

G. Impacts to Agriculture

The analysis downplays impacts to agriculture by comparing the amount of acres impacted by this Segment of the HST system to the amount of acres in agricultural production in

¹⁵³ See *id.* at p. 3.10-9.

¹⁵⁴ See CEQA Guidelines, § 15151; see also *Kings County Farm Bureau*, 221 Cal.App.3d at p. 733.

¹⁵⁵ See *Santiago*, 118 Cal.App.3d at p. 831 ["The EIR must contain facts and analysis, not just the bare conclusions of a public agency"].

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Merced and Madera county. This comparison tends to minimize the severity of the impact by using a large denominator.

1. The DEIR Fails to Clearly Explain and Define Methodology for Evaluating the Project's Impacts to Agricultural Lands.

The DEIR describes the methods used for evaluating the Project's impacts to agricultural lands. With respect to the calculation of permanent conversion of Important Farmlands to nonagricultural use, the DEIR states:

[T]he acreage for the project footprint for each alternative was quantified and identified as being permanently converted to HST use. In addition, analysts examined farmland severance on a parcel-by-parcel basis for each alternative to identify where severance would create two parcels, and result in *remainder parcel(s) that would be too small to be farmed economically*. The quantity of the non-economic remainder parcels was then added to the footprint quantity to identify total Important Farmland converted to nonagricultural use for each alternative.¹⁵⁶

This discussion does not provide any information concerning the analysts' methods for determining which "remainder parcel(s) were too small to be farmed economically." Instead of clarifying this issue, a subsequent section that analyzes the Project's impacts resulting from permanent conversion and parcel severance further confounds it by using undefined and variable terms such as "large agricultural properties," "small remainder parcels," "usable and unusable remainders," "smallest property remainders," and "non-economic remnants."¹⁵⁷ This section also fails to explain the criteria employed to determine whether a small remainder parcel would be "farmable" or be "too small to maintain economic activity." In fact, nowhere in Chapter 3.14 does the DEIR explain how analysts arrived at which remainder parcels were "small remainder parcels," "too small to be farmed economically," or "unusable" and which remainder parcels were "large agricultural properties," "of sufficient size to maintain economic activity," "farmable" or "usable." The DEIR must explain how the analysts approached this critical component of the evaluation of the Project's impacts to agricultural land. Specifically, the DEIR must reveal the methods employed by analysts when determining which remainder parcels were noneconomic/unusable versus economic/usable. This explanation must describe all factors that played into the analysts' determination of usability versus un-usability.¹⁵⁸

The failure to fully explain and define key facets of the methodology used by analysts to evaluate the Project's impacts on agricultural lands makes it impossible for the public to evaluate whether conclusions in the DEIR are supported by carefully reasoned analysis as required by CEQA. This is particularly important since the DEIR concludes that each of the

¹⁵⁶ DEIR, p. 3.14-6, emphasis added.

¹⁵⁷ *Id.* at, pp. 3.14-27, 3.14-31.

¹⁵⁸ Additionally, the following information should be included in the DEIR to further illuminate the methodology used to determine impacts on agricultural lands: (1) total acreage of agricultural lands impacted by each alternative; (2) total acreage of remainder parcels for each alternative (including total acres of economic/usable parcels and total acres of non-economic/unusable parcels); and (3) total acreage representing the "smallest property remainders" that the Authority will acquire.

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HST Alternatives “would have negligible effects from severing *large farm parcels* because severance of these parcels would not result in permanent conversion of farmland to a nonagricultural use.”¹⁵⁹ Without a clear definition of what constitutes a “large farm parcel,” it is impossible to verify the evidentiary support for this conclusion. The DEIR must therefore be revised to clearly explain the analysts’ approach for determining the Segment’s impacts to agricultural lands.

2. Incomplete Analysis of Aerial Spraying

The DEIR notes that the height of vertical HST structures (i.e. poles and elevated guideways) could impede aerial spraying of adjacent agricultural lands. The DEIR further notes that aircraft currently spray fields where there are utility poles of varying heights.¹⁶⁰ The DEIR then takes a leap and baldly concludes that “[b]ecause vertical HST structures are similar to existing utility structures in and near agricultural fields, changes in spraying patterns are unlikely to cause conversions of agricultural land, and no impact under . . . CEQA would occur.”¹⁶¹ In so doing, the DEIR fails to describe and analyze how the HST structures are similar to existing utility structures. Moreover, the DEIR fails to analyze whether the vertical HST structures, *when combined* with existing utility poles, would interfere with aerial spraying and potentially cause conversions of agricultural land. This incomplete and unsupported analysis must, therefore, be revised.

3. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

As previously discussed with respect to the inadequate measures proposed to mitigate the impacts to traffic, air quality and biological resources, CEQA mandates that an EIR contain feasible mitigation measures that are capable of reducing the identified significant impacts to levels that are less-than-significant. Only under limited circumstances may an agency defer the formulation of mitigation measures, and even then, the agency must commit to mitigating the impacts using specific performance standards.¹⁶² In this case, the DEIR’s discussion of mitigation measures to minimize impacts to agricultural lands is inadequate.

(a) Measure Requiring Preservation of Agricultural Land is Inadequate

Ag-MM#1 requires that agricultural conservation easements be established in the “same agricultural regions as the impacts occur.”¹⁶³ The phrase “agricultural regions,” however, is not defined. “Agricultural regions” could refer to agricultural lands in the immediate vicinity of the agricultural land impacted, or it could refer to agricultural lands within the counties of Merced, Madera, and Fresno, or it even could pertain to the entire Central Valley.

¹⁵⁹ *Id.* at p. 3.14-38, emphasis added.

¹⁶⁰ *Id.* at p. 3.14-37.

¹⁶¹ *Id.* at p. 3.14-37.

¹⁶² CEQA Guidelines, § 15126.4(a)(1)(B).

¹⁶³ DEIR, at p. 3.14-37.

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Clarification of the phrase “agricultural regions” is particularly important given the essential roles served agriculture in the region that will be impacted by the Segment. The DEIR acknowledges that the Central Valley is the state’s largest agricultural area and that Merced, Madera, and Fresno counties are some of the most agriculturally productive counties.¹⁶⁴ The DEIR further acknowledges that conversions of Important Farmland in each of these counties is occurring despite policies to protect such lands.¹⁶⁵ As it presently reads, it is impossible to determine whether Ag-MM#1 will sufficiently preserve *local* agricultural lands of similar quality and quantity of agricultural lands that would be converted by the Segment. Accordingly, this mitigation measure must be revised to define “agricultural regions” as areas near the selected alternative route with productive agricultural lands of similar quality to the lands impacted by the Segment.

(b) Measure to Consolidate Non-Economic Remnants is Inadequate

Ag-MM#2 calls for creation of a farmland consolidation program to sell non-economic remnant parcels to neighboring landowners for consolidation with adjacent property to foster continued agricultural use on the “maximum feasible” amount of non-economic remnant parcels.¹⁶⁶ First, as discussed above with respect to the methodology for evaluating the Project’s impacts on agricultural resources, the term “non-economic remnant parcels,” among other terms used in the analysis, needs to be defined and described. Without such definition, the proposed reach, scope, and potential effectiveness of this mitigation measure is ambiguous.

Furthermore, as previously noted with respect to many of the proposed biological resources mitigation measures, the term “maximum feasible” dilutes the effectiveness of this mitigation measure. Implementing this measure could easily be determined to be infeasible with respect to many of the “non-economic remnant parcels.” The DEIR must, therefore, either eliminate the use of the term “maximum feasible” or include performance standards that guide the feasibility determination to ensure that the mitigation measure sufficiently promotes continued agricultural uses.

H. Impacts to Cultural Resources

The analysis regarding the Project’s impacts to cultural resources is not supported by substantial evidence. The DEIR acknowledges that surveys are incomplete.¹⁶⁷ Such surveys must be completed in order to reach conclusions regarding the Project’s impacts to cultural resources and to propose effective and feasible mitigation measures to address such impacts. In addition, a Historic Property Survey Report (“HPSR”), a Archaeological Survey Reports (“ASR”) and a Historic Architectural Survey Reports (“HASR”) are cited in the DEIR¹⁶⁸, and have apparently been prepared as required¹⁶⁹, but these documents are not available for public

¹⁶⁴ *Id.* at p. 3.14-8.

¹⁶⁵ *Id.* at p. 3.14-9.

¹⁶⁶ *Id.* at p. 3.14-37.

¹⁶⁷ *See, e.g., id.* at p. 3.17-59 [“Due to access restrictions, surveys for archaeological resources are incomplete”].

¹⁶⁸ *See id.* at p. 3.17-1.

¹⁶⁹ *See* Appendix 3.17-A to the DEIR, Programmatic Agreement (“PA”), p. 7.

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review at the Authority's website. By not making the supporting documents available for public review, the Authority has violated CEQA's requirements and has compromised its informational purposes.¹⁷⁰

The area of potential effect ("APE") has been revised and submitted to the State Historic Preservation Office ("SHPO") for concurrence.¹⁷¹ The DEIR analysis has proceeded under the assumption that SHPO will concur with the revised APE. Of course, if the SHPO does not concur, and if the APE must be expanded beyond its current scope, then FRE must revise the analysis concerning impacts to cultural resources.

1. Incomplete Surveys Resulted in an Inadequate Baseline

As with the surveys conducted to identify biological resources and wetlands that may be impacted by the Segment, the surveys for cultural resources only covered those areas visible from a public right-of-way or where access permission was granted.¹⁷² The DEIR describes the limited percentage of land within the APE that was actually surveyed.¹⁷³ Only a small percentage of the BNSF and Hybrid alternatives have been surveyed, and the surveyed areas along these routes are mostly those areas that coincide with the UPRR Alternative.¹⁷⁴ Thus, the limited information regarding surveys provided in the DEIR suggests that the rural areas that would be impacted by the BNSF and Hybrid alternatives have not been surveyed. The DEIR further states that "as stipulated in the PA, Section 8 [A][1], a phased identification effort will be necessary as access is granted and where adverse effects are likely to occur."¹⁷⁵ Such a phased approach may be consistent with the PA, but does not satisfy the requirement under CEQA to investigate and disclose, in the DEIR, the Segment's impacts to cultural resources.

The surveys were inadequate in other ways as well. The Programmatic Agreement ("PA") requires the Authority to:

Perform an intensive survey to identify, record, and evaluate architectural properties adjacent to the proposed alignment, stations and support facilities built within the time period identified in the plan to document and inventory all historic buildings, structures, objects, districts, and cultural landscapes in sufficient detail to permit evaluation for the NRHP (per Section 106 of the NHPA) and the

¹⁷⁰ See Pub. Resources Code, § 21092(b)(1); see also *Emmington v. Solano County Redevelopment Agency* (1987) 195 Cal.App.3d 491, 502-503.

¹⁷¹ DEIR, p. 3.17-8.

¹⁷² *Id.* at p. 3.17-10; but see *id.* at p. 3.17-13 ["All surveys and complete inventories were conducted from public rights-of-way, except in cases where the property owners were contacted to provide entry to a property not adequately visible from a public right-of-way"].

¹⁷³ *Ibid.* ["As of March 31, 2011, approximately 27% (1,103 acres) of the UPRR/SR 99 Alternative had been field surveyed; 14% (542 acres) of the BNSF Alternative; 16% (388 acres) of the Hybrid Alternative; and 76% (1,064 acres) of the HMFs had been surveyed. Percentages include all portions of the APE where the UPRR/SR 99 and BNSF alternatives are the same"].

¹⁷⁴ *Ibid.*

¹⁷⁵ *Id.* at pp. 3.17-10 - 3.17-11.

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California Register of Historic Resources (CRHR) (per California Public Resources Code Section 5024.1 and 21084.1).

This required intensive survey level of effort must satisfy the Standards and Guidelines for Archeology and Historic Preservation.¹⁷⁶ Survey efforts differed substantially between similar of the APE. For example, subsurface testing of some sites occurred along the UPRR Alternative, but archaeologists did not conduct subsurface testing at similar sites along the BNSF Alternative.¹⁷⁷ The DEIR does not adequately explain the different levels of survey effort, but acknowledges that additional subsurface testing is necessary to fully evaluate the resources that may be impacted by the Segment. In addition, surveying areas remotely from public rights-of-way does not satisfy the requirements for an intensive survey.

2. The EIR Fails to Identify All Potentially Significant Project Impacts to Pre-Historic and Historic Resources.

The DEIR reaches conclusions regarding the Segment's impacts to archaeological sites, historic resources and paleontological resources without sufficient information concerning the resources that are present within the APE.¹⁷⁸ The analysis defers the required investigation of impacts until after the selection of a preferred alternative.¹⁷⁹ This deferred approach to impact analysis is improper, however, because the Authority cannot select a preferred alternative without first knowing the severity of impacts that each alternative would cause and then performing a comparative evaluation of each alternative.

3. Project Impacts to Native American Traditional Cultural Properties

The DEIR did not disclose the significance of the area on and around the proposed alternative routes to contemporary tribal members. The DEIR focused almost solely on archeological and historic resources and fails to analyze traditional cultural properties, which are areas on and around the Project site that have importance to tribes and Native Americans today.¹⁸⁰ The DEIR mentions the requirement to analyze impacts on traditional cultural properties ("TCPs"), states that no TCPs have been identified yet and explains that TCPs may be identified through further investigations and consultation with tribes and other groups.¹⁸¹

¹⁷⁶ See PA, pp. C-4, C-6, C-7; see also SHPO, Instructions for Recording Historical Resources (March 1995), p. 8 and Appendix 6.

¹⁷⁷ DEIR, p. 3.17-11 ["Archaeologists conducted testing at Ash Slough, Dry Creek, Berenda Slough, Berenda Creek, and Cottonwood Creek where these drainages cross the UPRR/SR 99 Alternative"].

¹⁷⁸ *Id.* at p. 3.17-71.

¹⁷⁹ *Id.* at p. 3.17-25 ["Once a preferred alternative is selected and project impacts measurable, the possibility that potentially significant historic archaeological sites may be impacted can be assessed and archaeological testing methods can be established"].

¹⁸⁰ A "traditional cultural property" is a property, a place, that is eligible for inclusion on the National Register of Historic Places because of its association with cultural practices and beliefs that are (1) rooted in the history of a community, and (2) are important to maintaining the continuity of that community's traditional beliefs and practices. See National Register Bulletin 38.

¹⁸¹ DEIR, pp. 3.17-13 - 3.17-14.

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The Authority should conduct an ethnographic study and interviews with local Native Americans and tribal representatives to further refine the Authority's understanding of the importance of potential traditional cultural properties within the APE. At a minimum, the scope of analysis in the DEIR must include areas where the Segment would have direct, indirect and cumulative impacts on areas which could be impacted by views and sounds from the HST system.

4. The DEIR Fails to Identify Mitigation for Impacts to Cultural Resources.

The section concerning mitigation measures for impacts to Cultural Resources is incomplete and vague. Apparently, the mitigation measures will be developed later, pursuant to an undisclosed MOA that was supposed to be prepared sometime "in the Fall of 2011."¹⁸² These measures will apparently be incorporated into an Archaeological Treatment Plan ("ATP") and a Built Environment Treatment Plan ("BETP"), but the ATP and BETP are also unavailable for public review and may not be complete. The DEIR states that the ATP and BETP "would be completed prior to construction activities that could adversely affect historic properties or historical resources, and would likely include one or more of the mitigation measures listed [in the following subsections]."¹⁸³ This vague reference to mitigation measures that would likely be included in the treatment plans (but may also be omitted) fails to satisfy CEQA's requirements for mitigation measures.¹⁸⁴ Indeed, mentioning possible mitigation that may be required, without more of an effort to ensure the mitigation is adequate and will be implemented as advertised, is a form of improper deferral of mitigation.¹⁸⁵

Without an adequate discussion of applicable mitigation measures, the DEIR cannot conclude that impacts to cultural resources would be reduced to less-than-significant levels.

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I. The DEIR Fails to Adequately Analyze the Project's Contribution to Several Acknowledged Categories of Significant Cumulative Impacts.

"[I]t is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them."¹⁸⁶ In general, the poorer the quality of

¹⁸² *Id.* at p. 3.17-72.

¹⁸³ *Ibid.*

¹⁸⁴ *See, e.g., Save Our Peninsula*, 87 Cal.App.4th at p. 135 [While CEQA does not require that the EIR set forth a time-specific schedule for the lead agency to complete specified improvements, it does require that the agency have a reasonable plan for mitigation].

¹⁸⁵ *See Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 [deferral of mitigation is impermissible when an agency "simply requires a project applicant to obtain a report and then comply with any recommendations that may be made in the report"].

¹⁸⁶ *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79; *see Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 430-432.

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the existing environment, the more likely it is that a project's incremental contribution to future cumulative conditions will be significant (i.e., "cumulatively considerable").¹⁸⁷

The DEIR chapter concerning the Segment's contributions to cumulative impacts does not describe any past projects or explain how these projects have affected the environment that will be affected by this Segment. The brief analysis also does not address whether the Segment's incremental contributions to cumulative impacts caused by closely related past projects will be "cumulatively considerable", as required.¹⁸⁸ This deficiency results in a failure to provide the public and decision-makers with the information that will enable them to intelligently take account of the Project's environmental consequences.¹⁸⁹

This chapter also fails to adequately consider the Project's contribution to adverse cumulative impacts that will be caused by the neighboring segments of the HSR system. Indeed, the analysis devotes scant attention to other segments. These segments, together with other past, present and future projects in the region will have significant cumulative impacts to traffic, air quality, biological resources and public utilities, among other impacts. The Project's contributions to cumulative impacts must be considered together with all other past, present and future project – especially the Bay Area to Central Valley segment, the Fresno to Bakersfield segment and the eventual Merced to Sacramento segment.

While the analysis mentions many of the planned freeway and roadway improvements for the region, it does not provide any information concerning the timing of those projects or the magnitude and scale of each project.¹⁹⁰ The DEIR mentions the potential for simultaneous construction of the Segment and other pending projects, but does not provide information that would allow a meaningful understanding of the potential cumulative impacts this would cause and the means the Authority has devised to avoid or minimize these impacts.

The analysis treats the cumulative condition under the No Project Alternative as distinct from the cumulative condition under the HST alternatives¹⁹¹, but this is a false division. Most, if not all, of the same projected growth and development that will occur under the No Project Alternative will also occur under any of the HST alternatives. The adopted HST alternative will simply be an additional intensive project that will influence but not substantially alter the

¹⁸⁷ *CBE*, 103 Cal.App.4th at p. 120; *see also Kings County Farm Bureau*, 221 Cal.App.3d at p. 720.

¹⁸⁸ *See CEQA Guidelines*, § 15355(b); *see also Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 624-625 [EIR must consider cumulative effects of past projects].

¹⁸⁹ *See Kings County Farm Bureau*, 221 Cal.App.3d at p. 720.)

¹⁹⁰ *See, e.g., DEIR*, pp. 3.19-4 [Table 3.19-2, vaguely identifying "21 intersection and roadway expansion projects" in City of Merced], 3.19-6 [Table 3.19-2, vaguely identifying "45 intersection and roadway expansion projects to accommodate increased use" in City of Merced], 3.19-7 [Table 3.19-6, vaguely identifying 96 intersection and roadway expansion projects to accommodate increased demand" in City of Fresno], 3.19-8 - 3.19-9 [Table 3.19-7, vaguely identifying many "SR 99 Transportation Improvement Projects" in the three affected counties].

¹⁹¹ *See, e.g., id.* at p. 3.19-15 [concluding energy demands of HST alternatives as negligible when compared to the energy demands of 352,000 new households under the No Project Alternative, when the energy demand of the HST alternative should be added to these cumulative scenario to determine whether the Segment's contribution is considerable]; *see also id.* at pp. 3.19-15 - 3.19-16 [comparing Segment's water consumption demands to that of the additional households and other development under the No Project Alternative, when the Segment's water demands will be an **additional** demand].

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projected population growth and development patterns. It is therefore more realistic to treat the HST alternatives as **adding** additional impacts to the cumulative conditions under the No Project Alternative.¹⁹²

The analysis of the Segment's contribution to cumulative impacts to traffic, air quality, noise, public utilities, biological resources, and land use is perfunctory, conclusory, and without evidentiary support. For example, the DEIR fails to grapple with the construction-related water demand of this Segment, together with water demands from other projects in the area.¹⁹³ Instead, the analysis dismisses the possibility of a cumulative impact on the basis that no new infrastructure for delivering water will be required and new entitlements will not be necessary. The actual cumulative increase in water usage must be considered in quantitative terms, however, in order to determine whether the Segment's contribution to the cumulative impact would be considerable. This required approach to analyzing cumulative impacts is especially important here, given the severe groundwater overdraft problem in the region.¹⁹⁴ This is also true with respect to cumulative air quality impacts, given the nonattainment status for ozone precursors and PM_{2.5}.

The DEIR dismisses the possibility of construction noise impacts on the basis that construction would "typically" occur during daytime hours. The DEIR does not include any measures that would restrict construction activities to the day, however. Thus, the conclusion regarding construction noise impacts lacks evidentiary support.

The analysis of the Segment's contribution to cumulative impacts to biological resources uses the wrong standard for determining whether the cumulative impact will be severe under CEQA. Rather than determining whether the Segment, when combined with cumulative projects, would result in the "loss of sustainable populations"¹⁹⁵ the analysis must determine whether the cumulative conditions will significantly impact special-status species and their habitat. The threshold of significance for some species is lower than for others¹⁹⁶, so the analysis must be tailored to the resource at issue.

The analysis of cumulative impacts to aggregate resources fails to quantify the cumulative demand for aggregate in the region and in the state. The chapter concerning impacts to geology and soils cursorily dismisses the Segment's impacts to aggregate supplies.¹⁹⁷ Thus,

¹⁹² In the context of cumulative impacts, the issue is not the relative contribution of the project as compared to existing conditions, but whether "any additional amount" contributed by the project should be considered significant in view of the severity of the existing problem. (*CBE*, 103 Cal.App.4th at pp. 119-120; *Kings County Farm Bureau*, 221 Cal.App.3d at p. 721 [rejecting cumulative air quality impact analysis for relying on discredited "ratio" theory].)

¹⁹³ *Id.* at p. 3.19-15.

¹⁹⁴ In general, the poorer the quality of the existing environment, the more likely it is that a project's incremental contribution to future cumulative conditions will be significant (i.e., "cumulatively considerable"). *CBE*, 103 Cal.App.4th at p. 120; see also *Kings County Farm Bureau*, 221 Cal.App.3d at p. 720.

¹⁹⁵ *Id.* at p. 3.19-18.

¹⁹⁶ For example, with species listed as threatened or endangered under the ESA, an impact could be considered significant if it would result in any "take" or if it "adversely modifies" designated critical habitat. The standard applied in the DEIR, loss of an entire population, does not reflect these species' protected status.

¹⁹⁷ See *id.* at p. 3.9-2.

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the DEIR fails to quantify and evaluate Project's incremental contribution to cumulative demands on limited aggregate resources. The mitigation proposed for potential cumulative impacts to aggregate resources is inadequate because it fails to provide any details concerning the required coordination between pending projects to "create opportunities to reuse excavated soil and demolition debris."¹⁹⁸ Further, the Segment is not required to reuse these materials to the extent feasible, so this measure would be ineffective.

Constructing the segment may cause release of hazardous waste present in soils adjacent to existing rail lines and in industrial areas adjacent to the selected right-of-way. The DEIR fails to analyze this contribution to the cumulative impacts to hazardous wastes posed by numerous projects that will also disturb contaminated soils. The DEIR also fails to identify feasible mitigation measures that could minimize this potentially significant cumulative impact.

The analysis of cumulative impacts to socio-economics, communities and environmental justice fails to quantify the economic costs associated with disrupting or completely ending businesses located along the proposed alternative routes, including Church & Dwight's manufacturing facility. These costs, when added to costs to businesses associated with past, pending and future projects, will likely be cumulatively considerable.

The DEIR uses an improper approach to evaluating the Segment's contribution to cumulative impacts to land use. Rather than adding the amount of land that must be acquired for this Segment to the amount of land that "would be required to accommodate the projected 2035 population" as is required, the analysis minimizes the significance of the land use conversion required for the Segment by comparing it to all land use conversion required to accommodate the projected population increase in the region.¹⁹⁹ By using such a large denominator in this equation, the analysis makes the vast acreage required for the Segment seem relatively small in comparison.

The analysis concerning the Segment's contribution to cumulative construction-related impacts to agriculture is conclusory and lacks supporting evidence. The analysis fails to describe which other projects may contribute to this cumulative impact and does not provide information concerning the timing of those projects or the expected severity of the impact. CEQA requires more.

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V. THE ANALYSIS OF ALTERNATIVES IS INADEQUATE.

"[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project."²⁰⁰ Among other requirements, CEQA requires an EIR to evaluate "alternatives that might eliminate or reduce the Project's adverse environmental effects."²⁰¹ Under some circumstances, a lead agency must evaluate alternative sites to the proposed project location. As a leading CEQA treatise explains:

¹⁹⁸ See *id.* at p. 3.19-23.

¹⁹⁹ See *id.* at pp. 3.19-29 - 3.19-30.

²⁰⁰ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 566; see also CEQA Guidelines, § 15126.6(a), (f).

²⁰¹ See *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873.

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Where significant effects can be lessened or avoided by choosing another site, discussing such an option within an EIR provides information by which the approving agency can effectuate CEQA's substantive mandate to lessen or avoid significant impacts where feasible.²⁰²

The DEIR fails to satisfy these fundamental CEQA requirements because it fails to consider alternative designs for each alternative that would reduce or avoid identified impacts and it fails to consider an alternative alignment on the western side of the San Joaquin Valley. The DEIR must be revised to include (1) alternative designs for the three HST alternatives already evaluated and (2) a west valley alternative.

A. The Authority Must Consider an Alternative Design that Reduces Impacts to Agriculture and Industrial Facilities.

The Authority must consider alternative designs that reduce impacts to agricultural activities and industrial facilities in the area southeast of Madera, where Church & Dwight's facility is located. As discussed above, the Project will impact this area in a number of ways. The Authority should consider an alternative design that avoids, or significantly minimizes, these impacts.

The DEIR provides design options for other sections of the Merced to Fresno segment but fails to provide any design options for the section southwest of Madera where the BNSF and Hybrid Options would diverge from the existing BNSF right-of-way and would traverse across mostly agricultural land to the existing UPRR right-of-way. The DEIR also does not explain why the BNSF and Hybrid Alternatives must diverge from the existing BNSF right-of-way between Madera and Fresno. If it is infeasible for the HST alignment to continue along the BNSF right-of-way through the City of Fresno, the DEIR should explain the constraints that would make this alignment infeasible. The DEIR must be revised to include design options that would minimize impacts to existing structures and facilities, including Church & Dwight's facility, while also minimizing environmental impacts.

The DEIR explains that the separation between the HST track and the railroad track is narrower for the BNSF Alternative than for the UPRR Alternative, but does not explain why the separation could not be equally narrow with the UPRR Alternative.²⁰³ The DEIR must be revised to provide this explanation, and if the right-of-way for UPRR Alternative can be narrowed, the analysis of impacts for this alternative must be revised to reflect the reduced disturbance area along the entire Segment length for this alternative.

B. The Authority Has Failed to Consider a Reasonable Alternative to the Three HST Alignments.

The DEIR must also be revised to more carefully consider an alternative alignment along the western side of the San Joaquin Valley, in the vicinity of Interstate 5 and the California

²⁰² Remy, et al., *Guide to CEQA*, pp. 581 – 582.

²⁰³ See DEIR, p. 2-61, fn. 4 ["Due to right-of-way sharing agreements with BNSF, the HST right-of-way requirements adjacent to BNSF are narrower than that next to the UPRR/SR99 Alternative"].

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aqueduct ("I-5 Alternative").²⁰⁴ Properly designed, such an alternative could meet most of the Project objectives while avoiding many of the impacts to biological resources, wetlands, agriculture, historic resources, traffic, air quality, and noise (among others) associated with the three HST alternatives considered in the DEIR. An I-5 Alternative that includes stations linked to existing transit lines would also satisfy the statutory mandate to "plan, build, and operate an HST system coordinated with California's existing transportation network, particularly intercity rail and bus lines, commuter rail lines, urban rail lines, highways, and airports."²⁰⁵

An I-5 Alternative alignment would be superior to the three proposed HST alignments for a number of reasons, for example:

- the western side of the valley receives substantially less rainfall than the eastern side and also has less agriculturally productive soils, fewer wetlands and waterways and may have less abundant wildlife;
- the I-5 corridor through the valley is removed from population centers and there is therefore much less existing infrastructure, community facilities and roadways that would be disturbed by the HST system;
- a western alignment would require less engineered grade separations, elevated track and other elaborate and expensive infrastructure;
- stations could be situated in areas near but not within population centers and could incorporate connections with efficient local shuttle and/or transit systems, thereby attracting significant ridership while avoiding impacts to the built environment and to people already living and working in urban areas;
- routing the HST alignment within or adjacent to the I-5 corridor and including fewer strategically located stations would reduce the travel time between the major metropolitan areas, thereby improving the HST system's performance.

The brief explanation in the Alternatives chapter concerning the Authority's rejection of an I-5 Alternative is conclusory and lacks supporting evidence.²⁰⁶

The Statewide EIR/S considered a west of SR 99 ("W99") alternative, but eliminated this alternative from further consideration for a number of reasons, including its distance from urban centers and its perceived increased environmental impacts.²⁰⁷

²⁰⁴ See Attachment F, Figure 10 from Conceptual California-Wide Networked Transit, from Publictransit.us, White Paper 2011-01, *Beyond High Speed Rail: California Networked Transit*, available at: <http://www.publictransit.us/ptlibrary/CaliforniaNetworkedTransit.pdf>; see also A. Waller, *An Alternative Plan for California High Speed Rail*, available at: http://www.calrailfoundation.org/HSR_files/1109waller2.pdf.

²⁰⁵ DEIR, p. 1-4.

²⁰⁶ See DEIR, pp. 2-34 - 2-35. Apparently, two reports prepared in 1996 by Charles River Associates and California Intercity High Speed Rail Commission discussed and eliminated this alternative alignment, but the DEIR fails to summarize the relevant data presented in the reports, as well as their findings. Moreover, the Authority may not be able to rely on the data and findings from these dated reports when deciding to eliminate a feasible alternative that may substantially reduce Project impacts. The Authority has also failed to make these and other early reports concerning alternative alignments available on the Authority's website.

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[The W99 alternative] would not serve existing downtown areas and existing population centers, and would therefore result in the placement of stations in outlying suburban locations at a distance from population centers. Such stations would provide lower ridership and revenue potential and poorer connectivity and accessibility than potential stations in cities and on existing rail alignments. These alignments would result in increased potential for impacts on agricultural lands and natural resources and would have high severance impacts through the Central Valley. In addition, the proposed W99 and the E99 alignments would have the potential to contribute to development sprawl and to increase development pressure on agricultural lands.²⁰⁸

There is little to no evidence in the record to support these conclusions, however. If properly designed and strategically located, and if linked to existing and/or improved transit service, HST stations located outside of downtown areas and population centers could still serve populations located throughout the San Joaquin Valley. Such an alternative would also provide similar reductions to vehicle miles traveled and associated reduced traffic and air emissions as the proposed HST alternatives. In addition, because the I-5 Alternative would be further west than the W99 alternative, and would follow an existing freeway right-of-way, its impacts to agriculture and natural resources would likely be less than the W99 alternative. Finally, an I-5 alignment that does not travel through population centers and across agriculturally productive rural areas would reduce many Segment impacts, as compared to the three HST alternatives analyzed in the DEIR.

Under CEQA, the Authority has the burden of demonstrating that an I-5 Alternative is not feasible.²⁰⁹ Because an I-5 Alternative appears to be feasible, would satisfy many of the project objectives and would likely result in fewer environmental impacts, the Authority must evaluate this alternative in the revised DEIR.

IX. CONCLUSION

The DEIR fails as an informational document because fails to establish the project setting, it does not fully and fairly describe the various alternatives that may be selected as the

²⁰⁷ Statewide Program EIS/R, pp. 2-53 - 2-56. The DEIR repeats verbatim some of the information presented in the Statewide Program EIS/R and adds no further elaboration concerning the eliminated alternatives. See DEIR, p. 2-53 - 2-56 [note the DEIR states "Considering the benefits of being adjacent to an existing rail corridor, along with the scoping comments, the Authority and the FRA determined to analyze potential alignments adjacent to existing rail corridors in *this* Program EIR/EIS"; this language reveals that the discussion from the Statewide Program EIS/R was simply copied and pasted into the DEIR].

²⁰⁸ *Id.* at p. 2-54.

²⁰⁹ See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1351-52 ["Since CEQA charges the agency, not the applicant, with the task of determining whether alternatives are feasible, the circumstances that led the applicant in the planning stage to select the project for which approval is sought and to reject alternatives cannot be determinative of their feasibility. The lead agency must independently participate, review, analyze and discuss the alternatives in good faith"], citing *Kings County Farm Bureau*, 221 Cal.App.3d 692, 736; see also *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 883 ["Even as to alternatives that are rejected, however, the 'EIR must explain why each suggested alternative either does not satisfy the goals of the proposed project, does not offer substantial environmental advantages[,] or cannot be accomplished.'"], quoting *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1457.

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preferred alternative, it provides incomplete analysis of some Segment impacts and wholly omits discussion of a number of other potentially significant environmental impacts, and it fails to provide a reasonable range of alternatives to avoid or mitigate the Project's adverse impacts.

The DEIR must be revised to fully describe the project setting, the project alternatives, the impacts from the project, mitigation and a broader range of alternatives; and the revised DEIR must be recirculated for public review and comment, as required by CEQA. We respectfully urge the Authority to do so prior to taking any action of any kind on this Segment of the HST Project.

Please do not hesitate to call if you have any questions or require any further information in support of these comments.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By 
Jason W. Holder

Attachments:

- A. Information Sheet Regarding Church & Dwight and the Madera Facility;
- B. Excerpts from Appendix 3.1a to DEIR;
- C. Excerpts from NOP for Merced to Bakersfield HST system, dated February 23, 2009;
- D. CNPS Botanical Survey Guidelines (Revised June 2, 2001);
- E. CDFG Staff Report on Burrowing Owl Mitigation (October 1995);
- F. Figure 10 from Conceptual California-Wide Networked Transit, from Publictransit.us, White Paper 2011-01, *Beyond High Speed Rail: California Networked Transit*.

cc: (see attached list)

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See MF-Response-GENERAL-1, MF-Response-GENERAL-2, MF-Response-GENERAL-7, MF-Response-GENERAL22, and MF-Response-GENERAL-23.

Design of the Hybrid Alternative, the preferred alternative, and the BNSF Alternative in the vicinity of the Church & Dwight facility has been updated to reflect your comments.

717-2

See MF-Response-GENERAL-1, MF-Response-GENERAL-2.

Please see Chapter 2 of the EIR/EIS for how the project will affect local roadways. Section 3.7 Biology, includes an evaluation of these effects to local roadways.

Regarding your comment on water quality, please see MF-Response-WATER-1, and MF-Response-WATER-2.

Regarding your comment on air quality, the air quality impact analysis of the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, and using reasonable forecast data of the project and the region. Air quality impacts from project construction emissions were evaluated in the Section 3.3.4.9 and 3.3.6.3 of the EIR/EIS. Detailed emission calculations are in Appendixes A and B of the Air Quality Technical Report.

717-3

See MF-Response-GENERAL-24 and MF-Response-GENERAL-1. To meet Section 404 permitting guidelines, project biologists compiled the Wetlands Report, which provides the same information as in the EIR/EIS but with a greater level of detail, to submit to the USACE for review.

Regarding your concern about sufficient detail to help insure that the integrity of the process of decision-making, the mitigation measures in the EIR/EIS have been revised with supporting statements related to their effectiveness.

717-4

The mitigation measures proposed at the intersections and roadway segments were

717-4

selected only if they were feasible and practicable for construction. Review was also conducted to ensure the proposed physical improvement mitigations would not result in secondary impacts.

717-5

See MF-Response-NOISE-6.

717-6

See MF-Response-BIO-2 and MF-Response-BIO-3.

Maintenance vehicles and/or crews may potentially introduce noxious plants as they perform routine maintenance within HST right of way. The timeline for invasive weed management within the Action Area will be in both the construction and project period in accordance with guidelines specified within Bio MM#4 Prepare and Implement a Weed Control Plan (EIR/EIS Section 3.7). To minimize the creation of open, disturbed soils that the majority of invasive, non-native weeds prefer, disturbance zones will be revegetated after the cessation of ground disturbing activities with site appropriate native species in accordance with BIO MM#6 Prepare and Implement a Restoration and Revegetation Plan (EIR/EIS Section 3.7).

717-7

The Authority finds no direction in CEQA that suggests quantifying the resources that will be committed to the project that quantification is necessary. Section 6.5 of the Draft EIR/EIS describes the relationship between the short-term uses of the environment and the enhancement of long-term productivity, and Section 6.6 summarizes the significant irreversible environmental changes that would result from project implementation. Both sections address the irretrievable commitment of resources such as aggregate, steel, and fossil fuels. The disclosure is made in these sections, but CEQA does not require the Authority to analyze whether or not there is sufficient aggregate, steel, or fuel available to build the project.

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See MF-Response-TRAFFIC-1.

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In regards to the comment on efficacy of proposed mitigation measures, The traffic mitigation measures identified in the DEIR were designed to reduce the project impact to a less than signification level based on the Authority's traffic impact criteria. The mitigation measures proposed at the intersections and roadway segments were selected if there were feasible and practicable for construction. Review was also conducted to ensure the proposed physical improvement mitigations would not result in secondary impacts.

In regards to comment on mitigation measure TR MM#1 and supporting analytical data for mitigation effectiveness - the HST design has been revised at this location (near the Church & Dwight facility), and alternate access to the facility is shown on the design plans in Volume III of the EIR/EIS. No access impacts are anticipated at this location under the revised design; hence no further traffic analysis is necessary.

In regards to comment on coordinate with Caltrans and local jurisdictions - CHSRA has been and will continue to coordinate with public agencies throughout the duration of the project. See EIR Section 3.1.4. See also MF-Response-GENERAL-1 and MF-Response-GENERAL-23.

717-10

1. Project specific data are presented in the Air Quality Technical Report of the EIR/EIS. Detailed data and emission calculations are presented in Appendix A and Appendix B of the technical report. These data and calculations specify what project-specific data was used, and which model default settings (if any) were used.

2. The project construction schedule is being revised in the Final EIR/EIS.

3. The EIR/EIS included pre-construction mobilization phase in the air quality analysis emissions calculations.

4. The name of the monitoring station has been corrected in the EIR/EIS and Air Quality Technical Report.

5. Detailed information on the amount of ballast material hauled from each quarry under

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different scenarios is included in Appendix H of the Air Quality Technical Report of the EIR/EIS.

717-11

Emissions associated with rail delivery were not included in the EIR/EIS based on the assumption that the rails for HST construction can be delivered through rail cars under the existing rail operation capacity. This assumption is reasonable, because delivery of the amount of rail needed for the 65-mile track would be spread throughout the 9 years of construction period. Current rail car operation capacity of the region would be sufficient to deliver the rails needed for each year's construction activity. Emissions from trucks to deliver the rails from the rail car to where the rail will be laid were included in the emission evaluation.

Activities associated with water trucks for watering the construction site have been included in the construction emission calculations.

See MF-Response-AQ-7 regarding mitigation measures.

717-12

Statements of effectiveness have been added to the mitigation measures in the EIR/EIS.

717-13

Construction-Related Impacts to Water Supply

Water will not be required for all activities related to construction, especially early mobilization activities and late pre-startup activities. Water use for construction is based on the period of active construction requiring heavy water use, which is for dust control during grading and other earthwork activities. This is estimated to occur over 5 years.

The project would have beneficial effects on water supply because farmland would be replaced by the HST alignment – project demands would be 1.5 percent of baseline demands (see impact category Increased Demand for Water Supply in Section 3.6, Public Utilities and Energy). For this reason, an exhaustive description of groundwater levels was not deemed necessary to the reader's understanding of project effects. The

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baseline data used is appropriate and sufficient.

Additional discussion of water supply use during construction is provided in the report Final Draft Water Usage Analysis for the CHST Merced to Fresno Section (Authority, 2012). To further enhance reader understanding, this report (with minor updates) is now an appendix to the EIR/EIS (Appendix 3.6-A). Spreadsheet calculations supporting Appendix 3.6-A are also in the project record. Also see MF-Response-WATER-4.

Aquifer Recharge

Recharge impacts are discussed in the subsection Common Groundwater Impacts in Section 3.8.5.3 – see MF-Response-WATER-4.

Effects of Neighboring Segments

The effects of the Merced to Fresno HST project together with the effects of neighboring segments are discussed in Section 3.19, Cumulative Impacts. Under the heading 3.19.3.2, High-Speed Train Alternatives, see the discussion of cumulative water supply impacts under Public Utilities and Energy, and cumulative impacts to impervious surfaces (recharge) under Hydrology and Water Quality. The effects of the entire HST system are addressed in the Statewide Programmatic EIR/EIS, and effects in the Central Valley are also addressed in the Bay Area to Central Valley HST Revised Final Program EIR.

Impacts to Drainage and Water Quality

See MF-Response-WATER-2 and MF-Response-WATER-3 regarding impacts to drainage, and MF-Response-WATER-5 regarding impacts to water quality. Also see the Hydraulics and Floodplains Technical Report and the Stormwater Management Plan – both of which are part of the EIR/EIS documents and available at the Authority's website.

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See MF-Response-BIO-3, MF-Response-BIO-4, MF-Response-BIO-5, and MF-Response GENERAL-1.

Regarding the Failure to Consider Compliance with the California Fish and Game Code,

717-14

Section 3.7.2 of the EIR/EIS presents the regulatory programs that apply to the HST alternatives. Table 3.7-1 addresses Federal requirements and Table 3.7-2 addresses state requirements, including CESA (Section 2081) and the State Fish and Game Code (Section 1600 et seq.). The mitigation measures were developed with the California Department of Fish and Game to be consistent with these regulatory requirements at such time that the Authority prepares a request for these permits.

The EIR/EIS discloses significant direct and indirect effects, including detailed mapping of resources and suitable habitat for listed species. The EIR/EIS does disclose impacts to plant and wildlife species where survey data is available. Where right-of-access could not be obtained the analysis assumes that all suitable habitat is occupied by the pertinent species. This is a worst case assumption.

Regarding potential impacts to species and habitat, including western burrowing owl, golden eagle and San Joaquin kit fox - as discussed in the EIR/EIS, due to the limitation in right of entry, focused surveys were only conducted in areas where right of entry was granted within the habitat study area. Many areas were not accessible due to restricted access of property. The EIR/EIS has made assumptions that all suitable habitats are occupied as a reasonable worst case condition and the mitigation/compensatory commitment is commensurate with those acres of direct and indirect effects. Field reconnaissance surveys were conducted in all areas where access was granted. Direct and indirect effects during the construction period are addressed for raptors (e.g. golden eagle) and other wildlife are discussed in EIR/EIS Section 3.7.5 Environmental Consequences with details for each of the alternatives. Direct and indirect effects during project operations are addressed for raptors (e.g. golden eagle) and other wildlife in EIR/EIS Section 3.7.5 Environmental Consequences. The San Joaquin Kit environmental consequences are discussed for both direct and indirect effects during the construction period and for project operations. Specifically, the analysis focuses on wildlife movement.

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See MF-Response-GENERAL-1.

During the Final EIS phase, when a preferred alternative is identified, the mitigation

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measures become commitments. Mitigation addresses state requirements, including CESA (Section 2081) and the State Fish and Game Code (Section 1600 et seq.). Furthermore, the mitigation measures were developed with the CDFG to consistent with these regulatory requirements at such time that the Authority prepares a request for these permits.

The mitigation measures in the EIR/EIS are for a construction-level documentation and identify the phase of the project they apply to and what type of resource they mitigate and the responsibility for monitoring is described for the Project Biologist, Mitigation Manager, Contractor's Biologist and Project Biological Monitor. The effectiveness in the mitigation measure towards reducing impacts is disclosed in Section 3.7.8 CEQA Significance Conclusion on Table 3.7-30. The Authority is committed to the implementation of the mitigation measure in the EIR/EIS. The following revisions are being made in response to the mitigation measure timing comments:

Bio-MM#28 (BIO-MM#29 in the Final EIR/EIS) identifies that pre construction surveys, buffers and monitoring are conducted for raptors and will be conducted with the approval of the California Department of Fish and Game. Bio-MM#30 in the Final EIR/EIS provides further direction on surveys for active nests and Bio-MM#31 for raptor protection on power lines. Specific measures (Bio-MM#32 through 34) are also provided for Swainson's hawk. Species specific measures for western burrowing owl are provided, including protocol surveys, avoidance and minimization measures are identified in Bio-MM#35 and 36. Compensatory mitigation is also recognized for Swainson's hawk and western burrowing owl in Bio-MM#54 and 55. Specific mitigation measures for San Joaquin kit fox are included as Bio-MM#42 and 43 for the construction period and Bio-MM#58 refers to the project period.

Bio-MM#16 includes provision for a monitoring and maintenance program for the impacted protected trees.

Bio-MM#15 and #44 both refer to the HMMP. See Bio-MM#58: Prepare and Implement a Habitat Mitigation and Monitoring Plan (HMMP).

Bio-MM#16 surveys can occur any time of the year.

717-15

Bio-MM#17 specifically requires the surveys to be done during the appropriate season and prior to ground-disturbing activities.

Bio-MM#19 specifically identifies the seasonal window and interval (after first significant storm).

Bio-MM#23 specifically references the United States Service protocol for field surveys.

Bio-MM#25 (BIO-MM#26 in the Final EIR/EIS) - the following text will be added to this mitigation measure, in Section 3.7 of the EIR/EIS: "Prior to ground-disturbing activities, conduct pre-construction surveys for western pond turtles to determine the presence or absence of western pond turtles within the construction footprint. If western pond turtles are found within the construction footprint, conduct daily clearance surveys prior to the initiation of construction activities. Although surveys may be done year-round, the warmer months are preferred due to peak activity and more frequent basking."

Bio-MM#28 (BIO-MM#29 in the Final EIR/EIS) references the time of year for the buffers that are required, so pre construction surveys occur during that time frame.

Bio-MM#29 (BIO-MM#30 in the Final EIR/EIS) provides guidance for nesting birds which would follow the pre-construction surveys.

Bio-MM#31 (BIO-MM#32 in the Final EIR/EIS) references the time of year for the buffers that are required, so pre construction surveys occur during that time frame.

Bio-MM#36 (BIO-MM#37 in the Final EIR/EIS), the following text will be added to this mitigation measure, in Section 3.7 of the EIR/EIS: "Prior to any ground-disturbing activities, conduct a visual and acoustic pre-construction survey for roosting bats. Include a minimum of one day and one evening in the visual pre-construction survey. Contact CDFG if any hibernation roosts or active nurseries are identified within or immediately adjacent to the construction footprint, as appropriate. The surveys are conducted per CDFG protocol. Exclusion techniques should not be used if young are present during the maternity season, which is from the beginning April through the end of August."

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Bio-MM#41 (BIO-MM#42 in the Final EIR/EIS)- references the protocol document.

The term “feasible” does not weaken the measure but does allow the Project Biologist some flexibility to more carefully, effectively and accurately incorporate the measure where and when the activity occurs. This is particularly relevant and important since this will be implemented by a design/build contractor and flexibility is essential as the design refinement process takes place.

The terms “practicable” and “as appropriate” are warranted in the measure for the same reasons feasible is used above. The measure identifies some of the resources that qualify for temporary or permanent protection and the Project Biologist will carry out the intent of the measure understanding the location of the resource and its phasing, as well as the construction limit boundary.

717-16

The comment raises concerns regarding undocumented contamination, the presence of asbestos and lead in the study area and the standard practices employed in the presence of these materials, and the potential for construction to conflict with applicable deed restrictions. During site preparation and demolition, when encountering hazardous wastes is unavoidable, the EIR/EIS incorporates standard industry practices, which are commonly conducted and have been proven effective, into the project. These include the implementation of construction management and demolition plans that contain procedures for addressing hazardous materials and wastes.

Complete quantification of undocumented contamination is not possible. However, hazardous wastes are more likely to be present in urban areas where land use has been more intense. These are the same areas where PEC sites have been identified. In that regard, additional information about undocumented hazardous materials releases would not change the analysis of the alternative HST alignments. Further, detailed investigation of the properties in the construction footprint would precede construction. Where current site conditions or documented past land use practices indicate the potential presence of hazardous materials, the Authority will conduct a Phase 1 environmental site assessment in accordance with standard ASTM methodologies to characterize the site. The determination of what parcels require soil testing and where testing should occur would be informed by the Phase 1 environmental site assessment

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and made in conjunction with state and local agency officials.

Because it is not possible to locate all potentially undocumented hazardous materials, standard construction practices would be implemented. A construction management plan would be developed that would include provisions for daily briefings of construction staff prior to work regarding indications of potential contamination; a list of contact persons in case of a possible encounter with undocumented contamination; provisions for immediate notification of construction management; notification of the applicable local enforcement agency of the find; consultation with that agency; and protocols for further action.

In addition, demolition plans would be prepared for the safe dismantling and removal of building components and debris. The demolition plan would include a plan for lead and asbestos abatement. These plans are standard industry documents that contain specialized precautions, such as restricted site access, use of respirators and full body disposable protective clothing, local exhaust systems, and the use of water to settle air born contaminants. While the exact procedures and equipment employed would vary by site, these practices are commonly implemented, feasible measures for avoiding adverse public health impacts associated with lead and asbestos.

While the Authority and FRA have not yet investigated the construction year for all roadways and buildings in the project footprint to know which locations would require these specialized practices, they have committed to conduct this investigation as part of the project. This level of analysis represents a good faith effort to study, analyze, and express potential environmental issues and provides a sufficient basis for weighing the risks and benefits of the proposed action. Since handling lead and asbestos is a routine aspect of demolition and there are standard, implementable construction practices that would avoid potential impacts to public health, this impact would be less than significant and no mitigation would be required.

The analysis in the EIR/EIS focuses on the higher risk sites of potential environmental concern (conceivable and current PECs). Historical sites of potential environmental concern are addressed in detail in the Hazardous Materials and Wastes Technical Report (available at <http://www.cahighspeedrail.ca.gov/assets/0/152/303/306/46299433-805f-4e4e-8238-df1ac30c6ca8.pdf>). Based on this analysis and preliminary review of DTSC’s Land Use Restricted Sites List, there are no sites under deed restriction within the construction footprint (DTSC 2007). Title searches will be conducted during the property acquisition process to affirm these findings. Deed restrictions, however, do not necessarily forbid excavation and trenching. For example, the deed restrictions for two

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sites in the Coalinga area include a list of prohibited site uses (such as residences, hospitals, and schools) and indicate that soil disturbance shall not occur without a Soil Management Plan and a Health and Safety Plan approved by DTSC. Where the HST alignment would impact a parcel under a deed restriction, the Authority and FRA would be subject to all institutional controls, and would coordinate with the appropriate overseeing agency to eliminate the impact, potentially through project modification or conducting additional remediation of the site.

Future analysis of properties acquired for construction of the HST would include title searches and determination of which properties require further assessment for hazardous material contamination. The EIR/EIS analysis was conducted to a level of detail sufficient to analyze the relative potential to encounter hazardous materials among the alternatives. The number of properties in question renders such exercises as a quantitative, structure-by-structure analysis of age and deed assessments an unreasonable effort that is unlikely to materially change the outcome of the analysis for two reasons: 1) in urban areas where there are identified PECs, there are more likely to be cases of undocumented contamination and deed restrictions due to the intensity of land use, thus the relative potential for the alternatives analyzed to disturb undocumented contamination can be expected to mirror the potential to disturb sites identified as PECs; and 2) because there are proven methods of dealing with these potential hazards, the impact is less than significant regardless of the quantity of such facilities disturbed. Although not exhaustive, the EIR/EIS provides a sufficient degree of analysis to provide decision makers with the information necessary to intelligently consider the environmental consequences of the document.

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See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-5, MF-Response-AGRICULTURE-1, and MF-Response-AGRICULTURE-2.

The analysis of the small remainder parcels did not expressly determine their economic feasibility. Instead, the analysis considered whether access to the remainder parcel would be restricted in such a way that the parcel would be unusable. Determining the economic feasibility of a large number of individual remainder parcels is not reasonably feasible because of the many local and parcel-specific factors that determine whether

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the parcel remains economically viable for farming. These include, but are not limited to, parcel ownership, economic viability of alternative crops, availability of farmers to farm the smaller parcel as part of a larger holding or lease, and current agricultural commodity prices. All of these are variable and not constant considerations. The continued availability of access provides a reasonable method of determining which parcels are likely to be removed from agricultural use because inaccessible parcels are clearly not available to be farmed.

With regard to deferred mitigation, see MF-Response-GENERAL-1. In addition, additional text was added to Ag-MM#1 discussing the anticipated effectiveness of the measure.

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See MF-Response-GENERAL-1 regarding the level of detail in the analysis.

The HPSR and HASR were submitted to the SHPO for review on February 7, 2012 and letter concurring with the findings was issued by SHPO on March 13, 2012. The ASR was submitted to the SHPO on February 10, 2012 and is still under review.

The APE has been revised during the course of environmental review to reflect updated project information, as well as ongoing field efforts that clarify whether or not individual properties meet the above stipulations. As possible future project revisions take place, updated APE maps would be produced and authorized as per the stipulations of the PA. Should SHPO find the Built Environment or Archaeological APEs insufficient, FRA will work with the SHPO to revise and establish an acceptable APE, and new areas/resources with the potential to be affected will be surveyed, evaluated, and included in applicable technical reports and the EIR/EIS, as appropriate.

Pedestrian and vehicular surveys were conducted from the right-of-way or where access permission was granted. This methodology is in accordance with guidelines set forth in the PA.

See also MF-Response-CULTURAL-9, MF-Response-CULTURAL-8, and MF-Response-CULTURAL-6.

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The cumulative impacts discussion begins with the historic context and articulates the status of current growth trends on the Central Valley. It summarizes notable past projects such as the UC Merced campus and the expansion of the Fresno-Yosemite International Airport. These environmental documents were reviewed to determine the cumulative condition of effected resources. Much of the Cumulative Impacts analysis is determined through available environmental documents which report whether significant effects after mitigation are anticipated. However some foreseeable projects that lack documentation require effects to be generalized in terms of tangible effects such as land to be consumed, additional persons to the area and generally more noise. The Merced-Fresno Section resource evaluations already concluded their effects in light of the existing and baseline conditions which arguably rely on past projects. The EIR/EIS documents the current condition of each resource (which is the result of past projects) and the effects of the HST project on that condition. The cumulative analysis provides additional evaluation of these documented effect in combination with current and foreseeable future projects.

Depending on the resource, the effects of adjacent HST section were evaluated together with the effects on the Merced to Fresno Section impacts. For instance, for biological resources, effects on common habitats were reviewed across San Jose to Merced and Fresno to Bakersfield sections. Whereas for EMI or noise topics, changes in Merced cannot be added to changes in San Jose for a cumulative effect on either community, therefore the evaluation was specific to the Merced to Fresno Section of the HST.

The Transportation analysis, by nature, is a cumulative evaluation since the effects are projected out for the project's planning horizon. This means that many of the roadway projects are already included in the primary analysis. The regional transportation models used in the transportation analysis incorporate implementation of transportation projects that are funded through the 2035 horizon.

The Authority disagrees that the No Project Alternative is a distinct from the cumulative condition, depending on the resource being evaluated. The Cumulative Condition is only slightly different than the No Project Alternative. Chapter 2 articulates the No Project Alternative to document planned growth that would occur regardless of this project. Indeed many of the resource evaluations document the change in relation to the No Project scenario, such as where the HST project has the potential to change density and

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potentially reduce conversion of agricultural lands or reduce Vehicle Miles Traveled when compared to the No Project. Neither of these evaluations change the planned growth scenario in the No Project Alternative. Depending on the resource, the analysis does merely add the HST project impacts on top of effects from the No Project Alternative and foreseeable projects, such as effects on biology, hydrology and noise. The analysis of traffic, air quality and noise are, as stated before, innately cumulative evaluations.

The analyses must begin with a projection of these resource based on the project's planning horizon of 2035. This is provided in Section 3.19.2.1 Historical Context of the Project Area. A careful documentation of effects on each resource in Chapter 3 have depended on best professional practices, including detailed estimations, consulting local service providers and other recognized sources to determine project effects. This is then added qualitatively (due to the amount of available information) to the future projections of effects from other foreseeable future projects on the resources to determine the cumulatively considerable impacts. While it is true professional judgments are made in these analyses, the appropriate measures and evaluation process was applied. The EIR/EIS has been updated to add clarity and strengthen the connection between the status of the resource and the potential for the Merced to Fresno Section HST project to contribute to the cumulative condition. Because, if after mitigation, the HST project would not have a lasting effect on the status of the resource's condition, then there is no effect on the cumulative condition.

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See MF-Response-GENERAL-1 for a description of the Tiered approach to this EIR/EIS and the level of detail in the analysis and mitigation. A comparative summary of impacts caused by the three alternatives is provided in the Executive Summary of the EIR/EIS, in Section S.8.3 Comparison of HST Alternatives.

The Authority and FRA disagree with the comment that the project purpose and need is arbitrarily narrow. Council of Environmental Quality offers Sec. 1502.13 Purpose and Need, the following guidance: The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

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The project purpose and need has been developed in two phases, first the overall purpose and need of the statewide system established the broad definition of the purpose – “to construct, operate and maintain an electric-powered high-speed train system in California.” Through this process, the program EIR/EIS reviewed the best performance of a HST system to serve the population growth trends and transportation needs to narrow the station locations and the broad corridors for further analysis.

The Merced to Fresno Section is a tiered project from the program document, using a scale where a finer level of detail can be applied in the development of alternatives and analysis. Therefore, the purpose and need portion relating to the Merced to Fresno Section merely states, “the Merced to Fresno HST Project section would connect a Merced Station and a Fresno Station.” This statement does not overly limit the range of reasonable alternatives, nor does it over define the alternatives considered.

Regarding the range of alternatives analyzed in the EIR/EIS, please see MF-Response-General-2.

Based upon the comments received as part of the draft EIR/EIS, the design of the Hybrid Alternative, the preferred alternative for the Merced to Fresno section, and the BNSF Alternative has been revised and the buildings associated with the Church and Dwight are no longer impacted.

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September 28, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

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Re: Comments Concerning Proposed Clean Water Act Section 404 Permit for
California High-Speed Rail Segment Between Merced and Fresno
(SPK-2009-01483)

Dear Mr. Simmons:

On behalf of Church and Dwight Co., Inc. ("Church and Dwight"), we are writing to comment on the Clean Water Act ("CWA") section 404 permit application for the above referenced project ("404 permit application"). These comments will be supplemented by more detailed comments concerning the combined Draft Environmental Impact Report/Draft Environmental Impact Statement ("DEIR/S") prepared by the Federal Railroad Administration ("FRA") and the California High Speed Rail Authority ("Authority") for the Merced to Fresno Segment ("Segment") of the California High-Speed Train Project ("Project").¹

Church and Dwight was only recently notified on August 9, 2011, by way of the Notice of Availability ("NOA") concerning the DEIR/S, that the Segment could potentially impact its manufacturing facility located at 31266 Avenue 12 in Madera, California (APN 047-130-016).² Since Church and Dwight learned of the potential impact, it has diligently pursued modification of the proposed BNSF (A1) Alternative ("BNSF Alternative") and Hybrid Alternative through

¹ Church and Dwight's comments on the DEIR/S concern compliance with the California Environmental Quality Act ("CEQA"), California Public Resources § 21000, et seq. and the National Environmental Quality Act ("NEPA"), 42 U.S.C. §§ 4321 et seq.

² Church and Dwight was not on the mailing list for the Notice of Preparation ("NOP") for the DEIR/S released on February 23, 2009, presumably because the original alternative routes for this Segment did not propose crossing over from the BNSF right-of-way to the UPRR right-of-way in the vicinity of Church and Dwight's property. See Attachment A to Letter from this firm to the Authority and FRA, dated September 27, 2011, Excerpts from NOP, attached hereto as **Exhibit A**; see also Appendix D to NOP, Merced to Bakersfield Scoping Public Mailing List.

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discussions with Authority officials, so that these proposed routes would avoid the facility. Unless and until we receive confirmation that the Project will not impact its facility, Church and Dwight will remain opposed to the adoption of the BNSF and Hybrid Alternatives.

As discussed in more detail below, Church and Dwight maintains that the U.S. Army Corps of Engineers' ("Corps") issuance of its Public Notice of Permit Application for the Project ("Public Notice") and solicitation of public comments is premature and should have been noticed at a later time, following completion of the Final EIR/EIS for the Segment. Further, given the deficiencies contained in the DEIR/S, the Corps cannot properly rely upon the DEIR/S in deciding whether to issue a 404 permit for the Project.

When reviewing the 404 permit application, the Corps is required to select the least environmentally damaging practicable alternative ("LEDPA"). Based on our preliminary analysis of the analysis in the DEIR/S, the most likely LEDPA appears to be the UPRR/SR 99 Alternative (A2) ("UPRR Alternative"), as opposed to the BNSF or Hybrid Alternatives.

I. The Corps has Prematurely Solicited Public Comments Concerning the Section 404 Permit -- The Request for Comments Should Follow Completion of the Final EIR/S and the Corps's Proposed Selection of the LEDPA.

As a preliminary matter, the Corps' issuance of the Public Notice and request for comments is premature. According to the Public Notice, the Corps will not complete its environmental/public interest review for the Segment until after the close of the DEIR/S public comment period and after all such comments are addressed in the DEIR/S. Because all of the information concerning the proposed alternatives and mitigation for the Segment has not been developed, the public cannot be expected to meaningfully comment on the Section 404 permit application.

The issuance of a § 404 permit constitutes informal rule-making under the Administrative Procedures Act ("APA").³ As such the Corps is obligated "to make its views known to the public in a concrete and focused form so as to make criticism or formulation of alternatives possible."⁴ As such, "the notice required by the APA, or information subsequently supplied to the public, must disclose in detail the thinking that has animated the form of a proposed rule and the data upon which that rule is based."⁵ Such disclosure is essential because it is this detail and data that allow the public to provide meaningful comments. Indeed,

[t]he purpose of the comment period is to allow interested members of the public to communicate information, concerns, and criticism. In order to allow for useful criticism, it is especially important for the agency to identify and make available technical studies and data that it has employed in reaching the decisions to propose particular rules. . . . An agency commits serious procedural error when it

³ See *Ohio Valley Envtl. Coal. v. Aracoma Coal Co.*, 556 F.3d 177, 192 (4th Cir. 2009) ["In issuing the § 404 permits challenged here, the Corps was engaged in informal ('notice and comment') rule-making"], citing 33 U.S.C. § 1344(a) (2000).

⁴ See *Home Box Office, Inc. v. Federal Communications Commission*, 567 F.2d 9, 36 (D.C.Cir.1977).

⁵ *Id.* at 35.

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fails to reveal portions of the technical basis for a proposed rule in time to allow for meaningful commentary.⁶

Here, the technical basis for the Corps decision, the environmental review documents that will form the Final EIS/R, are not yet complete. The Public Notice therefore is inadequate.

The Public Notice states that the Corps, the U.S. Environmental Protection Agency ("USEPA"), the FRA, and the Authority signed a Memorandum of Understanding in the fall of 2010 ("MOU")⁷, seeking to create an integrated process for compliance with NEPA, the CWA, and the Rivers and Harbors Act. The MOU apparently includes a series of checkpoints⁸ to determine the LEDPA and result in a NEPA document that would meet the needs of the FRA and the Corps. With respect to alternatives, the Public Notice states that the multi-agency review process contemplated by the MOU has narrowed consideration of project alternatives to those identified in the DEIR/S.⁹ The Public Notice specifically states:

After the public comments have been addressed in the EIR/EIS document, the LEDPA will be selected. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.¹⁰

The Corps's solicitation of public comments at this preliminary stage is premature. Preparation and refinement of the EIR/S for the Segment, the document that the Corps will rely upon during its environmental/public interest review pursuant to the CWA section 404(b)(1) Guidelines, is still ongoing. Until the public has had a sufficient opportunity to review and comment on the DEIR/S and until the Final EIR/S is prepared and the Authority and FRA select a preferred alternative for the Segment, it is difficult, if not impossible, to provide meaningful comments relating to the Corps's eventual determination of the LEDPA and its proposed decision to issue a Section 404 permit.

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The Public Notice for the 404 permit application fails to identify the nature and the magnitude of the Segment's impacts to jurisdictional waters, as required. The Public Notice also does not identify the compensatory mitigation required for this Project. According to the notice, the applicant is currently preparing a mitigation and monitoring plan that will include a compensatory mitigation proposal, but this plan is incomplete. The Corps's failure to describe the magnitude of the Segment's impacts to wetlands and other jurisdictional waters and the

⁶ See *Connecticut Light & Power v. Nuclear Regulatory Commission*, 673 F.2d 525, 530 (D.C.Cir.1982).

⁷ After an exhaustive search of readily available public sources, we have been unable to locate a copy of the MOU. Public review of the MOU is critical to ensure that the agencies are fulfilling their respective obligations under NEPA, CWA, and the Rivers and Harbors Act. Church and Dwight requests that the Corps immediately provide a copy of the MOU to this firm and that it make the MOU publicly available.

⁸ According to the *Checkpoint B Summary Report* (made available with the DEIR/S), there are three checkpoints: (A) Purpose & Need; (B) Alternatives – being considered with the DEIR/S; and (C) Least Environmentally Damaging Practicable Alternative – selection to occur after the public comment period of the DEIR/S closes. See *Checkpoint B Summary Report*, p. 5.

⁹ See Public Notice, p. 2.

¹⁰ See Public Notice, pp. 2-3.

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proposed compensatory mitigation for the Segment violates the public notice requirements for Section 404 permits.¹¹

Forcing the public to concurrently comment on both the DEIR/S and the 404 permit application within such a tight timeframe is an onerous and daunting task given the intricate web of environmental documentation related to this Project.¹² The public is further adversely impacted by the contemporaneous comment periods because the Corps has not extended its comment period on the 404 permit application to mirror the extended DEIR/S comment period already provided by the FRA and Authority. Instead, the public is required to complete its comments on the 404 permit application by September 28, 2011, prior to expiration of the extended DEIR/S comment deadline of October 13, 2011. The simultaneous comment periods (and truncated 404 permit application comment period) could result in fewer and more cursory public comments and potentially less-informed decision-making on the part of the lead and cooperating agencies.

In light of the above, the Corps should notice an additional public comment period following completion of the Final EIR/S for the Segment, along with all technical analyses supporting the Final EIR/S, and following a proposed selection of the LEDPA. Comments on the 404 permit application are necessary at this juncture, given (1) the plethora of deficiencies in the DEIR/S that we have already identified in our initial review of the DEIR/S and (2) the Corps stated intention to rely on this analysis. Public comments on the DEIR/S, however, will likely require revisions to the DEIR/S and may require recirculation for further public comments. (See further discussion *infra*.) Church and Dwight, therefore, reserves its right to provide additional comments to the Corps regarding the 404 permit application.

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II. The Corps Cannot Properly Rely on the Flawed Analyses Contained in the DEIR/S to Support Issuance of a 404 Permit.

Our review of the multi-volume DEIR/S for this complex infrastructure project is ongoing. So far, we have identified numerous omissions, incomplete analyses, and stale information. Below are some notable examples of the deficiencies we have identified in the DEIR/S:

- The project-level DEIR/S fails to explain how it relies on information from two first-tier programmatic environmental review documents;¹³

¹¹ See 33 C.F.R. § 325.3(a) ["The notice must ... include sufficient information to give a clear understanding of the nature and magnitude of the activity to generate meaningful comment"].

¹² This point is underscored by the fact that Church and Dwight (among other interested parties) has requested a four-month extension of the 60-day public comment period on the DEIR/S to allow for more thorough review of the DEIR/S and retention of experts such as biologists, economists, traffic and air quality engineers to assist with such review and provide technical comments. See *Exhibit A*.

¹³ The chapter of the DEIR/S concerning Alternatives states that the BNSF Alternative and UPRR (A2) Alternative considered in the DEIR/S were analyzed at the first-tier review level in 2005 Program EIR/EIS and 2008 and 2010 EIS/EIRs prepared for the Bay Area Segment. The chapter goes on to briefly describe the preferred BNSF Alternative from the 2005 Program EIR/EIS and the preferred UPRR Alternative from the 2008 and 2010 program environmental documents, but does not clarify why the Authority and FRA came to diverging conclusions regarding the preferred alternative in the first-tier environmental analysis. See DEIR/S, Alternatives, Chapter 2.

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- The project-level DEIR/S misconstrues, underestimates, or fails to identify impacts in a number of resource areas;
- The project-level DEIR/S fails to delineate all of the characteristics of the alternatives for the Segment;
- The project-level DEIR/S impermissibly limits the scope of the alternatives discussed, and therefore fails to consider reasonable feasible alternative approaches that would minimize or completely avoid several of the Segment's most serious impacts;
- The project-level DEIR/S fails to provide sufficiently detailed impact analysis;
- The project-level DEIR/S fails to adequately address impacts to commercial properties and manufacturing facilities along the alternative routes; and
- The project-level DEIR/S incorporates an incomplete *Draft Biological Resources and Wetlands Technical Report* ("DBRWTR"), which will purportedly be updated following completion of the *Wetlands Delineation Report Merced to Fresno Section*.¹⁴

Given these deficiencies and additional as yet unidentified errors, the DEIR/S fails to provide a thorough analysis of the Project's potential environmental impacts and must be revised and recirculated for further public review before it is finalized.¹⁵ Most notably, without comprehensive and detailed information concerning the wetlands and biological resources that may be impacted by each of the alternatives, the DEIR/S, cannot serve as the basis upon which the Corps makes its decisions concerning (1) whether to issue a 404 permit and (2) what conditions should apply to the permit. Consequently, the Corps may not rely on the DEIR/S for its Section 404 permit decision. Only after the DEIR/S is revised and recirculated for additional public review and input, and only upon completion of the Final EIR/S, should the Corps proceed with its environmental/public interest review for its permit decision.

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III. The Corps Must Comply with CWA Requirements Concerning Selection of the LEDPA.

If the Corps chooses to proceed with its public interest review of the 404 permit application without further opportunity for public comment and based upon the incomplete analysis contained in the DEIR/S, it must satisfy its duties under the CWA to select the LEDPA. As the Public Notice acknowledges, in deciding whether to issue, modify, condition, or deny a 404 permit, the Corps must apply the CWA section 404(b)(1) Guidelines promulgated by the

¹⁴ See DBRWTR, p. 5-1. We have been unable to locate a copy of the *Wetlands Delineation Report Merced to Fresno Section* referred to in the DBRWTR. The report may be incomplete at this time. This report is critical to an analysis of the Project's impacts on wetlands and thus must be made available to the public for review and comment on the 404 permit application. (See *Connecticut Light & Power*, supra, 673 F.2d at p. 530.)

¹⁵ See 40 C.F.R. § 1502.9(a) ["If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion"].

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USEPA.¹⁶ The Guidelines establish four restrictions on discharge and the Corps may only authorize a project if it complies with each of these restrictions.¹⁷ The restriction delineated in section 230.10(a) requires that the Corps identify and analyze practicable alternatives to the proposed discharge and states that:

no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic system, so long as the alternative does not have other significant adverse environmental consequences.¹⁸

Practicable alternatives include, but are not limited to: (1) activities that do not involve a discharge of dredged or fill material into the waters of the United States, or (2) discharges of dredged or fill materials at other locations within waters of the United States.¹⁹ An alternative is further practicable if it is available and capable of being accomplished after consideration of cost, existing technology, and logistics in light of overall project purposes.²⁰ Accordingly, a practicable alternative that has the least adverse impact on the aquatic ecosystem and no other significant adverse environmental impacts is designated as the LEDPA; the Corps may only authorize a project alternative that it determines to be the LEDPA.

Based on the information provided in the DEIR/S (and available supporting technical reports) for the Project,²¹ the UPRR Alternative is most likely the LEDPA because it meets the project objective to maximize the use of existing transportation corridors by following an existing right-of-way for its entire length, which in turn greatly limits the potential for aquatic resource impacts.²² In fact, the FRA and Authority concluded that the UPRR Alternative was the preferred alternative in the 2008 and 2010 programmatic environmental documents.²³ Conversely, both the BNSF and Hybrid Alternatives deviate from existing rights-of-way in this Segment and, thus, would fragment the undeveloped and rural landscape in the area, resulting in significant adverse impacts to aquatic resources.²⁴ Indeed, both the Corps and USEPA have

¹⁶ See Public Notice, pp. 3-4.

¹⁷ See 40 C.F.R. § 230.10(a)-(d).

¹⁸ See *id.* at § 230.10(a).

¹⁹ See *id.* at § 230.10(a)(1)(i) & (ii).

²⁰ See *id.* at § 230.10(a)(2).

²¹ For the reasons articulated above, we reiterate our comment that the DEIR/S, as well as the supporting technical reports, are incomplete with respect to the analysis of biological resources and wetlands. Accordingly, we are unable to provide complete comments at this time and reserve the right to supplement our comments once the DEIR/S is revised and recirculated for public review, the supporting technical reports are made available to the public, and the Final EIR/S is prepared. While the UPRR Alternative appears most likely to be the LEDPA relative to BNSF and Hybrid Alternatives based on the analysis contained in the DEIR/S, we encourage the Corps to formulate additional practicable alternatives, including possible alternate design options, that would more closely follow existing rights-of-way and further reduce impacts to aquatic resources.

²² See DEIR/S, Alternatives, pp. 2-40-58; see also *Biological Resources and Wetlands*, p. 3.7-33; see also *Biological Resources and Wetlands Technical Report*, p. 5-1.

²³ See DEIR/S, Alternatives, Chapter 2.

²⁴ See DEIR/S, Summary, p. S-19; see also DEIR/S, *Biological Resources and Wetlands*, p. 3.7-35; see also *Biological Resources and Wetlands Technical Report*, p. 5-1.

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explicitly stated that the BNSF Alternative is not likely to meet the 404(b)(1) Guidelines due to substantial impacts to waters of the United States, including wetlands.²⁵ In its June 14, 2011, Concurrence Letter the Corps' states:

Although we agree the BNSF (A1) Alternative . . . can be carried forward, we note that these alternatives are not likely to comply with the requirements of the 404(b)(1) Guidelines . . . due to substantial impacts to waters of the U.S. including wetlands . . . Based on information provided in the Checkpoint B materials and the February 2011, *Draft Wetlands Delineation Report: Merced to Fresno Section*, the BNSF Alternative contains a substantial number of vernal pools (19.5 acres), seasonal wetlands (21.8 acres), vernal pool critical habitat, and agricultural impacts not present within the other alignments.²⁶

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Lands near the proposed section of the BNSF and Hybrid Alternatives that traverses the area between the UPRR and BNSF rights-of-way are a mixture of agricultural fields, residences, commercial and industrial facilities (including the facility owned by Church and Dwight). There are also wetlands, vernal pools, streams, and floodplains in the region. These agricultural fields, wetlands, and drainage features work together to provide important foraging and breeding habitat, as well as migration corridors for endangered and special status upland and aquatic species.²⁷ Constructing several miles of at-grade rail line through this area with minimal existing development would have direct adverse impacts on aquatic resources (due to potential destruction of wetlands and vernal pools (and the species that rely on such habitats) within and adjacent to the construction footprint.²⁸

There will also likely be adverse indirect impacts on these aquatic resources as result of construction of the Segment in this area due to fragmentation of habitat and hydrological changes within the watershed.²⁹ Moreover, the deviation from existing rights-of-way proposed by the BNSF and Hybrid Alternatives means that more land and aquatic resources would be vulnerable to impacts from conversion of farmland and open space to urban uses. If either the BNSF or Hybrid Alternatives are approved for development, the rural parcels adjacent to these routes are susceptible to induced growth impacts because the routes will bisect these parcels. This will make continued agricultural operations on these parcels much less feasible, or even impossible.³⁰

²⁵ See Corps' Concurrence Letter dated June 14, 2011, p. 2, emphasis added. The USEPA concurred with the Corps' conclusion that the BNSF Alternative would have section 404 permitting challenges in its June 24, 2011, Concurrence Letter. See USEPA's Concurrence Letter, dated June 24, 2011, p. 2.

²⁶ We note that the estimated impacts to jurisdictional waters summarized in the Public Notice differs from the estimated impacts summarized in the Corps' Concurrence Letter, dated June 14, 2011. The discrepancies are not explained.

²⁷ See generally DEIR/S, Biological Resources and Wetlands, Chapter 3.7; see also *Biological Resources and Wetlands Technical Report*, Section 5.3. Notably, the DEIR/S states that "[t]he standing water that forms in vernal pools is ideal breeding habitat for several special-status species such as vernal pool fairy shrimp. Vernal pool habitat is present primarily along the BNSF Alternative." See DEIR/S, Biological Resources and Wetlands, p. 3.7-25.

²⁸ See generally, *Biological Resources and Wetlands Technical Report*, Section 5.3.

²⁹ *Id.*

³⁰ See generally, DEIR/S, Biological Resources and Wetlands, Chapter 3.7; see also *Biological Resources and Wetlands Technical Report*, Section 5.3.

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Indeed, the FRA and the Authority have acknowledged these types of increased impacts will result if the route diverges from existing rights-of-way.³¹ The USEPA has also expressed concern regarding these amplified indirect impacts resulting from construction of new rights-of-way in rural areas.³² Consequently, the UPRR Alternative is more likely to contain the LEDPA because it curtails potential direct and indirect impacts to aquatic and land resources.

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Construction of the Segment through this area, as proposed by the BNSF and Hybrid Alternatives, will further create a barrier to wildlife migration because when the tracks are located at-grade, a security fence would be installed to prevent track crossings.³³ In its scoping comments, the California Department of Fish and Game recommended that: "all segments of the HST not using existing rails be elevated to reduce impacts on animal movement and migration by allowing wildlife to pass freely."³⁴ Elevating the rails in these new rights-of-way, however, would be tremendously expensive.³⁵

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Lastly, relocating businesses (including the Church and Dwight's manufacturing facility) and agricultural operations impacted by these new rail routes would be exceedingly challenging and expensive, and some operations may not even be able to relocate.³⁶ This is yet another reason why the UPRR Alternative is preferable to the BNSF and Hybrid Alternatives. Relocating these businesses may make the BNSF and Hybrid Alternatives impracticable.

1111-9

Based on the above analysis and the information provided in the DEIR/S, at this time the UPRR Alternative appears most likely to constitute the LEDPA given that it follows the existing right-of-way in its entirety, thereby reducing potential direct and indirect impacts to aquatic and other biological resources. Further, because it tracks an existing right-of-way, the UPRR

³¹ See Executive Summary, Preliminary Alternatives Analysis, p. 1 ["The reason for screening out alignment alternatives that do not closely follow existing transportation corridors is that they generally result in greater direct and indirect environmental impacts and have greater growth potential than alignment alternatives that closely follow existing transportation corridors"].

³² For example, the USEPA expressed these concerns during its review of the Placer Parkway project, which proposes construction of a new east-west roadway linking State Route 70/99 in Sutter County east to State Route 65 in Placer County. See Letter from Nova Blazej, Manager, Environmental Review Office of the USEPA to Gene Fong, Division Administrator, Federal Highway Administration, dated September 25, 2007; Letter from Enrique Manzanilla, Director, Communities and Ecosystems Division of the USEPA to Walter Waidelich, Administrator, California Division, Federal Highway Administration, dated March 13, 2009; and Letter from Connell Dunning, Supervisor, Transportation Team, Environmental Review Office of the USEPA to Walter Waidelich at the Federal Highway Administration, dated January 8, 2010. These letters are available online at the EPA's website: <http://www.epa.gov/region9/nepa/letters/placer-parkway-deis.pdf>.

³³ See generally, DEIR/S, Biological Resources and Wetlands, Chapter 3.7; see also *Biological Resources and Wetlands Technical Report*, Section 5.3; see also Public Notice, p. 2.

³⁴ See California High Speed Train Draft Scoping Report, p. 3-10.

³⁵ See generally, DEIR/S, Alternatives, Chapter 2; see also generally, DEIR/S, Project Costs and Operations, Chapter 5.

³⁶ See generally, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub.L.No. 91-646, 84 Stat.1894, codified at 42 U.S.C. § 4601-4655; see also California Relocation Assistance Act, Cal.Gov Code, § 7260 et seq., and implementing guidelines at 25 Cal. Code. Regs. § 6000 et seq.; see also DEIR/S, section 3.12, Socioeconomics, Communities, and Environmental Justice, p. 3.12-5; see also generally, Appendix 3.12, *Relocation Assistance Documents*.

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Attn: Zachary Simmons, Project Manager Page 9

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Alternative also minimizes the need to relocate businesses and agricultural operations which carries with it hefty costs.

IV. CONCLUSION

The Corps's premature issuance of its Public Notice and solicitation of public comments has placed a tremendous burden on the public, including Church and Dwight, to not only review and absorb thousands of pages of environmental documentation, but also simultaneously prepare comments as to both the 404 permit application and DEIR/S without the assistance of technical experts. The Corps should have at least extended its comment period to match that of the DEIR/S, but more importantly, it should have solicited comments after completion of the Final EIR/S for the Segment and after all supporting technical data is available to the public to allow more meaningful and well-informed public comments.

Given the deficiencies contained in the DEIR/S, the Corps cannot rely on this document as the environmental analysis for its 404 permit decision, at least not until those deficiencies are corrected. At this preliminary stage, if the Corps chooses to make its decision based on the DEIR/S and responses to comments on this document, we urge the Corps to consider and select the UPRR Alternative or some variant of this alternative as the LEDPA. Again, however, we reserve the right to supplement these comments once we have had a sufficient opportunity to consult with experts and thoroughly review the DEIR/S.

Thank you for considering these comments concerning the 404 permit application. Please contact me if you have any questions or concerns regarding the issues we have raised.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By 
Jason W. Holder

JWH:

Enclosure:

Exhibit A - Letter from this firm to the Authority and FRA, dated September 28, 2011.

Exhibit A

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Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011) - Continued



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September 28, 2011

VIA OVERNIGHT COURIER

Board of Directors
California High Speed Rail Authority
770 L Street, Ste. 800
Sacramento, CA 95814-3359

Mr. David Valenstein
Chief, Environment and Systems Planning Division
Office of Railroad Policy and Development
Federal Railroad Administration, U.S. Dept. of Transportation
1200 New Jersey Avenue, SE., MS-20
Washington, DC 20590

Re: Request for Extension of Draft EIR/EIS Comment Period - Merced to
Fresno HSR Segment (SCH#: 2009091125)

Dear Chairman, Members of the California High Speed Rail Authority Board
and Mr. Valenstein:

On behalf of Church and Dwight Company, Inc. ("Church and Dwight"), we respectfully
request a four-month extension of the current 60-day public comment period for the Draft
Environmental Impact Statement /Environmental Impact Report ("DEIR/S"), prepared by the
Federal Railroad Administration ("FRA") and the California High-Speed Rail Authority
("Authority") pursuant to the National Environmental Policy Act ("NEPA")¹ and the California
Environmental Quality Act ("CEQA")² for the Merced to Fresno Segment of the California
High-Speed Train Project ("Segment").

¹ 42 U.S.C. §§ 4321 et seq.

² Cal. Pub. Resources Code, § 21000, et seq.

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Our client owns a multi-million dollar manufacturing facility within the proposed right-of-way for two of the alternatives analyzed in the DEIR/S.³ The facility produces a popular animal feed product used both locally and nationwide. Church and Dwight did not receive any notice concerning the imminent threat to its facility posed by two of the Segment's alternatives until they received the Notice of Availability ("NOA") concerning the DEIR/S on August 9, 2011.⁴ Because they only received this notice after the comment period had commenced, we have had limited opportunity to review the voluminous documents that constitute the environmental review documents for this massive Project, which is unprecedented in its scale, complexity, impacts and expense.

We need sufficient time to review the documents and develop comments with the assistance of technical experts, such as biologists, economists and traffic and air quality engineers. The current comment deadline of October 13, 2011 provides too little time for a thorough review of the DEIR/S, its appendices, and the two first-tier environmental review documents upon which the DEIR/S claims to rely. Before the FRA and Authority make any decisions concerning the preferred alternative for the Segment, they must provide the public, including Church and Dwight, with an adequate opportunity to review and comment on the DEIR/S and participate in the review process.

I. The DEIR/S'S Unusual Scope and Complexity Warrants a Public Review and Comment Period of at Least Six Months.

"Public participation is an essential part of the CEQA process." (CEQA Guidelines, § 15201.)

"[T]he 'privileged position' that members of the public hold in the CEQA process ... is based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making" [Citation.] "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process. [Citation.] This process helps demonstrate to the public that the agency has in fact analyzed and considered the environmental implications of its action. [Citation.]

³ Church and Dwight's facility is located at southeast of Madera, California, at 31266 Avenue 12 (APN 047-130-016). If either the BNSF or Hybrid Alternative, as currently designed, are selected, Church and Dwight's facility would have to be demolished and relocated.

⁴ Church and Dwight was not on the mailing list for the Notice of Preparation ("NOP") for the DEIS/DEIR released on February 23, 2009, most likely because the original alternative routes for this Segment did not propose crossing over from the BNSF right-of-way to the UPRR right-of-way southeast of the City of Madera, in the vicinity of Church and Dwight's property. (See Attachment A, Excerpts from NOP; see also Appendix D to NOP, Merced to Bakersfield Scoping Public Mailing List.)

Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011) - Continued

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Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 936, citations omitted. Thus, when court's review the sufficiency of an EIR under CEQA, "a paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." (*Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, quoting *Karlson v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804.)

Under normal circumstances, the public review period for a draft EIR ranges from 30 to 60 days, but this review period may be extended beyond 60 days in "unusual circumstances." (See CEQA Guidelines, § 15105(a).) When a draft EIR is unusually long, or the analysis is particularly complex, the time afforded for public review and comment must be extended.

CEQA Guidelines section 15141 states that "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." Here, the DEIR/S analysis for this Segment is approximately 3,300 pages long; together with the technical appendices, the DEIR/S balloons to almost 17,000 pages. If the circumstances justified a DEIR/S analysis that is at least ten times the maximum length recommended for "proposals of unusual scope or complexity" (not including the technical appendices and referenced documents) then they certainly justify a much longer review and comment period.

NEPA similarly includes goals for fostering meaningful opportunities for participating in the public review and comment process. (See, e.g., 40 C.F.R. 1500.1(b) ["NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. . . . Accurate scientific analysis, expert agency comments, **and public scrutiny** are essential to implementing NEPA"].) Participation in the entire environmental review process is especially important for members of the public who may be directly affected by a project.

The primary purpose of the scoping period is to notify those who may be affected by a proposed government action which is governed by NEPA that the relevant entity is beginning the EIS process; this notice requirement ensures that interested parties are aware of and therefore are able to participate meaningfully in the entire EIS process, from start to finish.

(*Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1116-17 (9th Cir. 2002) abrogated on other grounds by *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011), citing *Northwest Coalition for Alternatives to Pesticides v. Lyng*, 844 F.2d 588, 594-95 (9th Cir.1988) .

While the 60-day comment period afforded by the Authority and FRA might be sufficient for more typical project-level environmental review documents, the sheer scope and complexity of the DEIR/S warrants a much longer public review and comment period. The length of the DEIR/S, together with the complexity and import of the proposed Project, constitute "unusual circumstances" justifying a comment period of at least six months.

Further, because the DEIR/S purportedly tiers off of two programmatic EIS/Rs for the statewide Project and the Bay Area to Central Valley segment, these first-tier documents must

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also be reviewed. The three-volume program EIS/R for the statewide project is itself thousands of pages long and relies on thousands of pages of technical analysis.⁵ The Bay Area to Central Valley EIR/EIS, which was revised after litigation, is similarly complex.⁶ Taken together, the scope of all of these additional analyses and supporting technical documents is monumental, and thus requires an adequate public review and comment period.

Refusal to extend the comment period to at least six months would significantly compromise the public's ability to meaningfully participate in the CEQA and NEPA processes.

II. Constitutional Due Process Requirements Justify an Extended Comment Period of at Least Six Months.

Due process principles require reasonable notice and meaningful opportunity to be heard before governmental deprivation of a significant property interest. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612, multiple federal and state court citations omitted.) In *Horn*, the California Supreme Court held that a county's posting and mailing notices concerning a CEQA document prepared for a subdivision map was not sufficient to alert neighboring landowners of the subdivision's potential impact to their properties. (*Horn, supra*, 24 Cal. 3d at p. 617-618.)

"The expressed opinions of the affected landowners might very well be persuasive to those public officials who make the decisions, and affect the outcome of the [planning] process." (*Id.* at p. 615.)

The general application of due process principles is flexible, depending on the nature of the competing interests involved. [Citations] The extent of administrative burden is one of the factors to be considered in determining the nature of an appropriate notice. [Citations] However, where . . . prior notice of a potentially adverse decision is constitutionally required, that notice must, at a minimum, be reasonably calculated to afford affected persons the realistic opportunity to protect their interests. (*Id.* at p. 617.)

The principles underlying the Constitutional guarantee of due process confirmed in *Horn* support advance notice of the Authority's and FRA's decisions concerning the preferred route for the HSR system to those that would directly affected by the Project. As in *Horn*, the notice provided to the general public and to a limited number of property owners that would be impacted by this Segment of the Project, was not sufficient to alert Church and Dwight of the Project's potentially catastrophic impact on their facility.

* * *

We therefore request a four-month extension to the current 60-day public review and comment period for the voluminous DEIR/S for this complex proposal. Specifically, we request an extension that provides the public (and especially those that would be directly affected by this

⁵ See Statewide Program Environmental Reports EIR/EIS, available at: http://www.cahighspeedrail.ca.gov/Statewide_Program_Environmental_Reports_EIR_EIS.aspx.

⁶ See Bay Area to Central Valley Revised Final Program EIR, available at: http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx.

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Segment of the Project) at least six months to carefully review the DEIR/S and prepare comments concerning the environmental analysis.

Please feel free to contact me with any questions or concerns you may have concerning this request. Thank you in advance for your anticipated cooperation.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By 
Barry H. Epstein

JWH:

9/28/11 (27879) #428850.1

Response to Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011)

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Since receipt of this letter, the Hybrid and BNSF Alternative alignments have been modified to avoid the manufacturing facility at 31266 Avenue 12 in Madera.

See the response to the next comment in this letter regarding premature solicitation of comments and the requirement to identify the least environmentally damaging practicable alternative (LEDPA).

1111-2

Pursuant to 33 Code of Federal Regulations (CFR) 325.2, the U.S. Army Corps of Engineers (USACE) is required to issue a public notice within 15 days from receipt of a complete Section 404 application. The information that must be included in the public notice is described in 33 CFR 325.3. The USACE is not required to wait for completion of an EIS or to identify the LEDPA before issuing a Public Notice of Permit Application.

The public notice was published to advise interested parties that the USACE received an application from the California High-Speed Rail Authority (Authority) to obtain a permit under Section 404 of the Clean Water Act and allow interested parties to provide comments and information for USACE to consider when evaluating the probable impact on the public interest. The Federal Railroad Administration (FRA) and Authority circulated a separate Notice of Preparation/Notice of Intent (NOP/NOI) for the Draft EIR/EIS. The Draft EIR/EIS was circulated for a 60-day public comment period that closed on October 13, 2011. During this period, public hearings were held to receive oral testimony on the project and Draft EIR/EIS. The Draft EIR/EIS was circulated to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals. The document was also available at Authority offices, public libraries, and community centers. Therefore, the Draft EIR/EIS was available for public comment concurrent with this public notice.

The Public Notice of Permit Application was provided to the public pursuant to the requirements of 33 CFR 325.3, per standard USACE review procedures, as one opportunity to comment on the proposed project and inform USACE of issues that might warrant particular consideration in evaluating the Section 404 permit application for the proposed project.

1111-2

According to the APA, rule-making applies to the process of formulating, amending, or repealing a rule or regulation. It does not apply to the standard process of implementing a rule or regulation in its current form. The Public Notice of Permit Application informs the public that an application for a Section 404 permit has been filed. It is not notification of issuance of a permit; therefore, issuance of the Public Notice of Permit Application does not constitute informal rule-making. Neither *Ohio Valley Envtl. Coal. v. Aracoma Coal Co.*, 556 F.3d 177, 192 (4th Cir. 2009) nor *Home Box Office, Inc. v. Federal Communications Commission*, 567 F.2d 9 (D.C. Cir. 1977) provides any authority for the comment. The comment states that issuance of the public notice is premature because the technical documents forming the basis for USACE's decision on this action are not yet complete; however, USACE has not identified the LEDPA and has not issued a Section 404 permit.

Regarding availability of the Memorandum of Understanding (MOU) (see comment in footnote 7), the MOU is provided as an attachment to the Responses to Comments. As noted in the MOU, the U.S. Environmental Protection Agency (EPA) and USACE concurred on the range of alternatives considered and the preferred corridors, routes, and stations most likely to contain the LEDPA in the Draft and Final Program EIR/EISs from 2005 and 2008. The MOU establishes agreement from USACE to participate as a cooperating agency in the Tier 2 environmental process, including development of the National Environmental Policy Act (NEPA) document, and states that they will evaluate information from the Draft EIR/EIS to support Section 404 decision-making. The MOU does not state that USACE will rely exclusively on the EIR/EIS to conduct the Section 404(b)(1) analysis and identify the LEDPA.

1111-3

According to regulations at 33 CFR 325.3, the public notice should include sufficient information to give a clear understanding of the nature and magnitude of the activity to generate meaningful comments. The public notice discloses the acreage of waters of the U.S. that each alignment and design option combination may impact and provides plan drawings of the project; detailed engineering plans and specifications are not required for public notice. The regulations require only a brief description of the proposed activity and its purpose and intended use. The information required pursuant to 33 CFR 325.3 has been included in the public notice.

Response to Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011) - Continued

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The public notice states that the applicants will be required to use all reasonable and practical measures to avoid and minimize all impacts and that a permit cannot be issued until a mitigation and monitoring plan has been approved. It would be premature at this stage to require a finalized mitigation and monitoring plan. A finalized compensatory mitigation plan is not required as part of a complete application (33 CFR 325.1) and is not required to be included with the Public Notice of Permit Application.

The comment is noted. The USACE provided a 30-day public comment period in accordance with 33 CFR 325.2, which states that the comment period should not be more than 30 days nor less than 15 days. The public comment period for the Draft EIR/EIS was extended to 60 days from the standard 45 days to allow additional time for the public to review and comment.

The Final EIS will be circulated for a 30-day public review period; however, USACE is not required to respond to public comments on the Final EIS. USACE has not stated that it will rely exclusively on the analysis in the Draft EIR/EIS for determining the LEDPA. Before USACE approves any permit to fill waters of the U.S., USACE must agree that the project applicant(s) have demonstrated that the fill is the LEDPA. This determination must be supported by an alternatives analysis prepared according to Clean Water Act Section 404(b)(1) Guidelines. The Checkpoint C Summary Report, currently in preparation, will serve as the primary basis for the Section 404(b)(1) analysis and selection of the LEDPA. Please refer to response to the next comment in this letter regarding adequacy of the Draft EIR/EIS.

1111-4

The EIR/EIS properly notes that two first-tier program EIR/EISs were prepared to address broad policy issues pertaining to the California High-Speed Train System. The EIR/EIS Summary describes the tiered environmental review process used by the Authority and FRA, noting that the 2005 Program EIR/EIS provided a first-tier analysis of the general effects of implementing the HST System, while the 2008 Program EIR/EIS and the 2010 Revised Program EIR/EIS focused on connecting the Central Valley portion of the system to the San Francisco Bay portion of the system. Chapter 2 of the EIR/EIS discusses the background of the HST Project and notes the previously

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prepared Tier 1 documents provided a programmatic analysis of impacts of implementing the HST System. The EIR/EIS does not directly incorporate the HST program documents by reference, nor is it required to do so. The EIR/EIS is tiering by considering the broad policy decisions previously reached about the system (e.g., electric propulsion with steel wheels on steel rails) that are based on the Program EIRs as the starting point for a more detailed analysis of the impacts of implementing the HST System from Merced to Fresno, and using the previous program documents as reference documents for the analysis. The EIR/EIS is also tiering by relying on the analysis in the previous Program EIRs addressing the impacts of the full 800-mile system and cumulative impacts of the HST System as a whole. The EIR/EIS Executive Summary and Chapter 2 describe the tiered process and states where both the program documents and the decision documents are to be found.

The Authority and FRA disagree with the comment that the HST Project is described with a level of detail insufficient for adequate identification of impacts and mitigation. See MF-Response-GENERAL-1. Under the California Environmental Quality Act (CEQA) and NEPA say that "EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design." (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 395). Federal law regarding NEPA also requires the preparation of an EIS as early in the planning process as possible (40 CFR 1501.2 ["Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts."]).

The EIR/EIS took a conservative approach in identifying a footprint area within which project construction would occur and permanent structures would be placed. The EIR/EIS then evaluated impacts as if the entire footprint area would be impacted by the project. The project will not impact this footprint area, however, but will impact some portion of it, depending upon the precise micro-location that final engineering determines for the project's elements and the construction approach taken. Accordingly, the EIR/EIS's approach was conservative. It ensures that no potential construction or permanent impacts are missed, but provides flexibility for final engineering designs to incorporate mitigation measures and other design refinements to reduce environmental impacts, as identified through the EIR/EIS process.

Response to Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011) - Continued

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An EIR/EIS is required to analyze the potential impacts of the full range of reasonable alternatives (14 California Code of Regulations [CCR] 15126.6, 40 CFR 1502.14(a)). Under NEPA, the alternatives analysis "is the heart of the environmental impact statement" (40 CFR 1502.14). Accordingly, the EIR/EIS examines the range of reasonable alternatives to the proposed action, including the alternative taking no action. Pursuant to Section 14(l) of the FRA's Procedures for Considering Environmental Impacts, these included "all reasonable alternative courses of action which could satisfy the [project's] purpose and need" (64 FR 28546, May 26, 1999). The Authority and FRA considered the input of the public and interested resource agencies when developing the reasonable range of alternatives. Pursuant to NEPA and CEQA, scoping meetings were held to invite public participation in defining the scope of the analysis, including the range of reasonable alternatives.

The HST will be a "design-build" project. That is, the project design will be completed by the contractor who will be chosen to build the project. The Authority and FRA have prepared a project-specific EIR/EIS analyzing the potential environmental consequences of a refined set of alternative corridor alignments and stations along this section based on the project level. This project EIR/EIS contains significantly more detail than was available at the first-tier Program EIR/EIS. However, the level of analytical detail is still limited by the fact that the project is not fully designed. At the time the Draft EIR/EIS was released for public review in August 2011, the Merced to Fresno Section had reached the 15% level of design. The Final EIR/EIS would represent a 15 to 30% level of design. In larger transportation infrastructure projects, consistent with both CEQA and NEPA, the environmental analysis process occurs before completion of final design, and this is common practice in projects using a design/build process for construction.

This conforms to Section 1501.2 of the Council on Environmental Quality (CEQ) NEPA Guidelines, which does not require full design in order to complete an EIS, but rather states that "[a]gencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts" (40 CFR 1501.2).

As expressed in the public notice, USACE will rely on a series of checkpoints to

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determine the LEDPA and will not rely solely on the NEPA document. An alternatives analysis is being prepared consistent with Section 404(b) (1) Guidelines as part of Checkpoint C. The Checkpoint C Summary Report, currently in preparation, will serve as the primary basis for the Section 404(b)(1) analysis and selection of the LEDPA. The LEDPA will be identified pursuant to EPA's Section 404 (b)(1) Guidelines (40 CFR 230). USACE may only permit discharges of dredged or fill material into waters of the U.S. for projects that are demonstrated to represent the LEDPA.

1111-5

Comment noted. The USACE and EPA are engaged in an ongoing process to identify the LEDPA. The Checkpoint C Summary Report, currently in preparation, will serve as the primary basis for the Section 404(b)(1) analysis and selection of the LEDPA. The LEDPA will be identified pursuant to EPA's Section 404(b)(1) Guidelines (40 CFR pt 230). USACE may only permit discharges of dredged or fill material into waters of the U.S. for projects that are demonstrated to represent the LEDPA. Three potentially practicable alternatives, each with multiple design option combinations, are being analyzed in the Checkpoint C Summary Report to determine the LEDPA.

1111-6

The comment is noted. Impacts on aquatic resources that would occur under each alternative are discussed in Section 3.7.5.3 of the EIR/EIS. Potential effects on agricultural lands and growth-inducing effects of the HST alternatives are discussed in Sections 3.14.5.3 and 3.18.5.3 of the EIR/EIS, respectively. The USACE and EPA are engaged in an ongoing process to identify the LEDPA pursuant to the Section 404(b)(1) Guidelines. Impacts on each of the community and natural resource topics noted in the comment are being further analyzed and compared among the three potentially practicable alternatives in the Checkpoint C Summary Report. The Checkpoint C document is being prepared to supplement the Draft EIR/EIS and provide the level of detail necessary to identify the LEDPA in accordance with the Section 404(b)(1) Guidelines.

1111-7

Impacts on wildlife movement and migration corridors are analyzed in the EIR/EIS and will be considered, along with other environmental impacts, in the Section 404(b)(1)

Response to Submission 1111 (Jason W. Holder, Church and Dwight Co. (Atty. for), September 28, 2011) - Continued

1111-7

analyses. See MF-Response-BIO-2 regarding wildlife movement.

A Biological Resources and Wetlands Technical Report was prepared for the HST Project in August 2011 and will be provided as an appendix to the Final EIR/EIS. The report addresses movement corridors, linkages, connectivity areas, modeled wildlife corridors and the constraints that occur within these locations. Watercourse crossings were identified that occurred within these corridors and summarized as to the location of bridges, culverts, and canals that provide movement opportunities, particularly those that are aligned with other linear infrastructure such as the UPRR and SR 99. The hydraulic features are assessed for their utility for wildlife movement within the corridor locations. The findings of that report are summarized in the EIR/EIS.

The EIR/EIS acknowledges the HST's potential to disrupt wildlife passages that are already hindered with existing obstacles. The EIR/EIS concludes a significant impact under CEQA for the Eastman Lake-Bear Creek Essential Connectivity Area (ECA) and the modeled wildlife corridors after mitigation is in place. This is discussed in the EIR/EIS, Section 3.7.5, Environmental Consequences, under direct and indirect effect for the construction period and project period in the wildlife movement corridor subsections. As stated in the EIR/EIS, ECAs delineate lands that are likely important to wildlife movement between large, mostly natural areas at the statewide scale based on available data and assumptions provided in the California Essential Habitat Connectivity Project Report (Spencer et al. 2010).

1111-8

The comment is noted. Since receipt of this letter, the Hybrid and BNSF Alternative alignments have been modified to avoid Church and Dwight's manufacturing facility at 31266 Avenue 12 in Madera, and the Authority continues to work with stakeholders and cooperating agencies to minimize and avoid impacts on community resources, including commercial business displacements, as well as natural resources, through refinement of the project design.

1111-9

The comment is noted. Before USACE approves any permit to fill waters of the U.S., USACE must agree that the project applicant(s) have demonstrated that the fill is for the

1111-9

LEDPA.

Submission 455 (Barry Epstein, Church and Dwight Company, Inc. (Attny for), September 29, 2011)



FITZGERALD ABBOTT & BEARDSLEY LLP
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Barry H. Epstein
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September 28, 2011

VIA OVERNIGHT COURIER

Board of Directors
California High Speed Rail Authority
770 L Street, Ste. 800
Sacramento, CA 95814-3359

Mr. David Valenstein
Chief, Environment and Systems Planning Division
Office of Railroad Policy and Development
Federal Railroad Administration, U.S. Dept. of Transportation
1200 New Jersey Avenue, SE., MS-20
Washington, DC 20590

Re: Request for Extension of Draft EIR/EIS Comment Period - Merced to
Fresno HSR Segment (SCH#: 2009091125)

Dear Chairman, Members of the California High Speed Rail Authority Board
and Mr. Valenstein:

On behalf of Church and Dwight Company, Inc. ("Church and Dwight"), we respectfully request a four-month extension of the current 60-day public comment period for the Draft Environmental Impact Statement/Environmental Impact Report ("DEIR/S"), prepared by the Federal Railroad Administration ("FRA") and the California High-Speed Rail Authority ("Authority") pursuant to the National Environmental Policy Act ("NEPA")¹ and the California Environmental Quality Act ("CEQA")² for the Merced to Fresno Segment of the California High-Speed Train Project ("Segment").

¹ 42 U.S.C. §§ 4321 et seq.

² Cal. Pub. Resources Code, § 21000, et seq.

Board of Directors, CHSRA
David Valenstein, Div. Chief, FRA

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September 28, 2011

Our client owns a multi-million dollar manufacturing facility within the proposed right-of-way for two of the alternatives analyzed in the DEIR/S.³ The facility produces a popular animal feed product used both locally and nationwide. Church and Dwight did not receive any notice concerning the imminent threat to its facility posed by two of the Segment's alternatives until they received the Notice of Availability ("NOA") concerning the DEIR/S on August 9, 2011.⁴ Because they only received this notice after the comment period had commenced, we have had limited opportunity to review the voluminous documents that constitute the environmental review documents for this massive Project, which is unprecedented in its scale, complexity, impacts and expense.

We need sufficient time to review the documents and develop comments with the assistance of technical experts, such as biologists, economists and traffic and air quality engineers. The current comment deadline of October 13, 2011 provides too little time for a thorough review of the DEIR/S, its appendices, and the two first-tier environmental review documents upon which the DEIR/S claims to rely. Before the FRA and Authority make any decisions concerning the preferred alternative for the Segment, they must provide the public, including Church and Dwight, with an adequate opportunity to review and comment on the DEIR/S and participate in the review process.

I. The DEIR/S's Unusual Scope and Complexity Warrants a Public Review and Comment Period of at Least Six Months.

"Public participation is an essential part of the CEQA process." (CEQA Guidelines, § 15201.)

"[T]he 'privileged position' that members of the public hold in the CEQA process ... is based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making" [Citation.] "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process. [Citation.] This process helps demonstrate to the public that the agency has in fact analyzed and considered the environmental implications of its action. [Citation.]

³ Church and Dwight's facility is located at southeast of Madera, California, at 31266 Avenue 12 (APN 047-130-016). If either the BNSF or Hybrid Alternative, as currently designed, are selected, Church and Dwight's facility would have to be demolished and relocated.

⁴ Church and Dwight was not on the mailing list for the Notice of Preparation ("NOP") for the DEIS/DEIR released on February 23, 2009, most likely because the original alternative routes for this Segment did not propose crossing over from the BNSF right-of-way to the UPRR right-of-way southeast of the City of Madera, in the vicinity of Church and Dwight's property. (See Attachment A, Excerpts from NOP; see also Appendix D to NOP, Merced to Bakersfield Scoping Public Mailing List.)

Submission 455 (Barry Epstein, Church and Dwight Company, Inc. (Attny for), September 29, 2011) - Continued

Board of Directors, CHSRA
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September 28, 2011

Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 936, citations omitted. Thus, when court's review the sufficiency of an EIR under CEQA, "a paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." (*Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, quoting *Karlson v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804.)

Under normal circumstances, the public review period for a draft EIR ranges from 30 to 60 days, but this review period may be extended beyond 60 days in "unusual circumstances." (See CEQA Guidelines, § 15105(a).) When a draft EIR is unusually long, or the analysis is particularly complex, the time afforded for public review and comment must be extended.

CEQA Guidelines section 15141 states that "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." Here, the DEIR/S analysis for this Segment is approximately 3,300 pages long; together with the technical appendices, the DEIR/S balloons to almost 17,000 pages. If the circumstances justified a DEIR/S analysis that is at least ten times the maximum length recommended for "proposals of unusual scope or complexity" (not including the technical appendices and referenced documents) then they certainly justify a much longer review and comment period.

NEPA similarly includes goals for fostering meaningful opportunities for participating in the public review and comment process. (See, e.g., 40 C.F.R. 1500.1(b) ["NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. . . . Accurate scientific analysis, expert agency comments, **and public scrutiny** are essential to implementing NEPA"].) Participation in the entire environmental review process is especially important for members of the public who may be directly affected by a project.

The primary purpose of the scoping period is to notify those who may be affected by a proposed government action which is governed by NEPA that the relevant entity is beginning the EIS process; this notice requirement ensures that interested parties are aware of and therefore are able to participate meaningfully in the entire EIS process, from start to finish.

(*Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1116-17 (9th Cir. 2002) abrogated on other grounds by *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011), citing *Northwest Coalition for Alternatives to Pesticides v. Lyng*, 844 F.2d 588, 594-95 (9th Cir.1988) .

While the 60-day comment period afforded by the Authority and FRA might be sufficient for more typical project-level environmental review documents, the sheer scope and complexity of the DEIR/S warrants a much longer public review and comment period. The length of the DEIR/S, together with the complexity and import of the proposed Project, constitute "unusual circumstances" justifying a comment period of at least six months.

Further, because the DEIR/S purportedly tiers off of two programmatic EIS/Rs for the statewide Project and the Bay Area to Central Valley segment, these first-tier documents must

Board of Directors, CHSRA
David Valenstein, Div. Chief, FRA

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September 28, 2011

also be reviewed. The three-volume program EIS/R for the statewide project is itself thousands of pages long and relies on thousands of pages of technical analysis.⁵ The Bay Area to Central Valley EIR/EIS, which was revised after litigation, is similarly complex.⁶ Taken together, the scope of all of these additional analyses and supporting technical documents is monumental, and thus requires an adequate public review and comment period.

Refusal to extend the comment period to at least six months would significantly compromise the public's ability to meaningfully participate in the CEQA and NEPA processes.

II. Constitutional Due Process Requirements Justify an Extended Comment Period of at Least Six Months.

Due process principles require reasonable notice and meaningful opportunity to be heard before governmental deprivation of a significant property interest. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612, multiple federal and state court citations omitted.) In *Horn*, the California Supreme Court held that a county's posting and mailing notices concerning a CEQA document prepared for a subdivision map was not sufficient to alert neighboring landowners of the subdivision's potential impact to their properties. (*Horn, supra*, 24 Cal. 3d at p. 617-618.)

"The expressed opinions of the affected landowners might very well be persuasive to those public officials who make the decisions, and affect the outcome of the [planning] process." (*Id.* at p. 615.)

The general application of due process principles is flexible, depending on the nature of the competing interests involved. [Citations] The extent of administrative burden is one of the factors to be considered in determining the nature of an appropriate notice. [Citations] However, where . . . prior notice of a potentially adverse decision is constitutionally required, that notice must, at a minimum, be reasonably calculated to afford affected persons the realistic opportunity to protect their interests. (*Id.* at p. 617.)

The principles underlying the Constitutional guarantee of due process confirmed in *Horn* support advance notice of the Authority's and FRA's decisions concerning the preferred route for the HSR system to those that would directly affected by the Project. As in *Horn*, the notice provided to the general public and to a limited number of property owners that would be impacted by this Segment of the Project, was not sufficient to alert Church and Dwight of the Project's potentially catastrophic impact on their facility.

* * *

We therefore request a four-month extension to the current 60-day public review and comment period for the voluminous DEIR/S for this complex proposal. Specifically, we request an extension that provides the public (and especially those that would be directly affected by this

⁵ See Statewide Program Environmental Reports EIR/EIS, available at: http://www.cahighspeedrail.ca.gov/Statewide_Program_Environmental_Reports_EIR_EIS.aspx.

⁶ See Bay Area to Central Valley Revised Final Program EIR, available at: http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx.

Submission 455 (Barry Epstein, Church and Dwight Company, Inc. (Attny for), September 29, 2011) - Continued

Board of Directors, CHSRA
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Page 5

September 28, 2011

Segment of the Project) at least six months to carefully review the DEIR/S and prepare comments concerning the environmental analysis.

Please feel free to contact me with any questions or concerns you may have concerning this request. Thank you in advance for your anticipated cooperation.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By 
Barry H. Epstein

JWH:

9/28/11 (27879) #428850.1

Response to Submission 455 (Barry Epstein, Church and Dwight Company, Inc. (Attny for),
September 29, 2011)

455-1

See MF-Response-GENERAL-7.

Submission 172 (Aaron Fukuda, Citizens for California High Speed Rail Accountability,
September 1, 2011)



August 28, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Reiteration of Request for Extension of Draft EIR/EIS Public Review Period – Fresno to
Bakersfield and Merced to Fresno

Dear Chairman Umberg,

On August 17, 2011 the Citizens for California High Speed Rail Accountability submitted a letter to the California High Speed Rail Authority (Authority) requesting a public review period of 90 days. At the August 25, 2011 Authority Board Meeting, Mr. Roelof Van Ark indicated in his report that the Authority has received numerous requests for a 90-day review period, and combined with a problem distributing the EIR/EIS the Authority would be granting the public a 15-day extension. This moved the closing of the public review period to October 13, 2011. While the 15-day extension is surely appreciated by many around the region, CCHSRA and its members provided the Authority with legitimate and compelling reasons for a 90-day public review period. We again are asking that as the lead agency in this process, the Authority extend the EIR/EIS review period to a 90-day window and allow the public to properly participate in the CEQA and NEPA Process.

CCHRA would like to reiterate the purpose of allowing a 90-day public review period:

- Without an adequate opportunity for the public to participate in the review and comment period of the Draft EIR/EIS, the Authority will not have adequate information to base its decisions on when reviewing and approving the alignments or the Draft EIR/EIS.
- This project will forever impact the transportation and rural landscape of our region (Kings County) and the Central Valley. Allowing a 90-day window to review these potential impacts to our region seems to be the minimum time required to fully assess the impacts to our region. It should also be noted that landowners impacted by the alignment have yet to be contacted to discuss individual impacts.
- As provided in our August 17, 2011 letter there is a precedent set for projects much smaller in scope than the High Speed Rail to utilize a 90-day window to assess the impacts the project may have.
- Much of the area impacted by the Fresno to Bakersfield and Merced to Fresno alignment is through agricultural ground. Farmers and businesses in the area are currently preparing, or are in the process of harvesting summer crops. These crops include corn, cotton, almonds, fruit, pistachios and various other crops. Much of this harvesting will conclude in October

therefore, granting a 90-day public review period will allow the agricultural community an opportunity to participate in the Draft EIR/EIS public comment period.

- CCHSRA also received copies of letters from other groups requesting the same 90-day public review period, which would indicate that other interested parties are intending to provide input to the public review process. Of notable mention were:
 - o American Farmland Trust
 - o Audubon California
 - o Defenders of Wildlife
 - o Endangered Habitats League
 - o Friends of Harbors, Beaches and Parks
 - o The Nature Conservancy
 - o California Native Plant Society

Lastly, CCHSRA would like to point out to the Authority that the Draft EIR/EIS was initially scheduled for public review in late Spring 2011, however the Authority postponed the release of the document until late Summer 2011. This afforded the Authority essentially a 90-day extension to prepare the document and it would only be appropriate that the public be afforded the same accommodation.

Again we strongly urge you to extend the public review period to ninety (90) days, not sixty (60) days, to allow the citizens impacted by this project the appropriate time to participate. We also request that you provide this extension immediately, to accommodate proper noticing to the public. We appreciate your time attention in this matter. If you have any questions you can reach me at (559) 707-8928 or via email at cchstraorg@gmail.com.

Sincerely,


Aaron Fukuda
Co-Chairman CCHSRA

cc: Governor Jerry Brown
Ken Alex, Director, Governor's Office of Planning and Research
Joseph Szabo, FRA
The Honorable Jim Costa
Other Interested Persons

172-1

Response to Submission 172 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability, September 1, 2011)

172-1

See MF-Response-GENERAL-7.

Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011)

2

Jonathan Wittwer
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OF COUNSEL
Gary A. Patton

October 12, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: Merced_Fresno@hsr.ca.gov]

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") prepared by the California High-Speed Rail Authority for the Merced to Fresno section of the proposed California high-speed train project.

This law firm represents Citizens for California High-Speed Rail Accountability ("CCHSRA"), and the comments contained in this letter are submitted on behalf of CCHSRA and its members. This is one of two letters we are submitting on the Draft EIR/EIS for the Merced to Fresno section of the proposed high-speed train project.

CCHSRA is a grassroots community organization that was formed to ensure that the proposed California high-speed train project does not adversely affect the economy, environment, or the quality of life of California's existing communities. The Authority's current plan would have truly devastating and negative impacts on the natural environment, on the agricultural economy of the California Central Valley, and on local communities located within the Central Valley. It would also, specifically, have negative impacts in and around the City of Fresno. The Authority should either significantly revise or abandon the proposed project as currently configured. A revised EIR/EIS is required if the Authority wishes to proceed with the project, and such a revised EIR/EIS must be recirculated for additional public comment.

Comments

1. CCHSRA believes that the impacts of the project within the City of Fresno have been grossly underestimated, and have not been properly analyzed, as both the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") require. Attached is a City of Fresno staff report (Exhibit A), identifying a number of key concerns about the proposed high-speed train project. We raise the following questions and concerns in response to the Draft EIR/EIS:

- How are mitigation measures for each of the impacts that the project would cause in the City of Fresno going to be provided by the Authority?

661-3

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661-12

- It appears that an analysis of the actual impacts of the proposed project is being deferred, as is the development of required mitigation measures; this is not consistent with the requirements of CEQA and NEPA.

- Transportation and air quality impacts within the City have not been properly analyzed in the Draft EIR/EIS.

- The visual, noise, vibration, social, business, and other impacts caused by the proposed construction of new elevated structures within the City have not been accurately documented, and adequate mitigations are not proposed.

- Where, in the Draft EIR/EIS, have mitigations been proposed for the various significant impacts outlined in the attached City staff report (Exhibit A)?

- Underpasses are generally preferred to overpasses, in part because of the visual impacts caused by overpasses. How has the Draft EIR/EIS analyzed each proposed overpass, to see if an underpass or other non-overpass solution is possible?

- How have pedestrian connectivity issues been addressed, wherever current connectivity is disrupted by proposed high-speed train facilities?

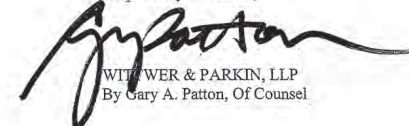
- What mitigations are available to compensate for the emergency response impacts that would be caused by the proposed project?

- The Draft EIR/EIS has not adequately studies or mitigated the impacts associated with the termination of neighborhood streets. What mitigations are proposed in each case where the high-speed train facilities would cut off current neighborhood street access?

- The total employment figures for Fresno County are not consistently reported throughout the Draft EIR/EIS. All tables and references should be reconciled.

- The proposed downtown Fresno rail station must be included in the maps for the Draft EIR/EIS or the Merced to Fresno section.

Respectfully submitted,


WITTWER & PARKIN, LLP
By Gary A. Patton, Of Counsel

cc: Governor Jerry Brown
Members, California State Legislature
City of Fresno
CCHSRA

Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

EXHIBIT A

City of
FRESNO REPORT TO THE CITY COUNCIL

October 6, 2011

AGENDA ITEM NO. 9:00am A
COUNCIL MEETING 10/06/11
APPROVED BY
[Signature]
DEPARTMENT DIRECTOR
CITY MANAGER *[Signature]*

FROM: MARK SCOTT, City Manager / Interim Director
Development and Resource Management Department

BY: SCOTT L. MOZIER, PE, City Engineer / Assistant Director
Public Works Department *[Signature]*

SUBJECT: UPDATE ON CITY DEPARTMENTAL REVIEW OF HIGH SPEED RAIL
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT
STATEMENT FOR MERCED TO FRESNO AND FRESNO TO BAKERSFIELD
SECTIONS (COUNCIL DISTRICTS NO. 1, 2 AND 3)

RECOMMENDATION

Staff recommends that the Council receive an update on the City departmental review of the proposed High Speed Rail project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Merced to Fresno and Fresno to Bakersfield sections. The Council may identify additional areas of concern as well as provide input on the draft EIR/EIS comments.

EXECUTIVE SUMMARY

The public comment period on the two High Speed Train EIR/EIS (Merced to Fresno, and Fresno to Bakersfield) will close on October 13, 2011. City departments have reviewed the documents and have provided comments on the appropriate portions of the EIR/EIS which have been assembled into two unified draft comment letters, one for each EIR/EIS. The draft letters also include input from Precision Civil Engineering who was retained to provide further analysis of the corridor and augment City staff review of the EIR/EIS. Principal areas of concern include the need for underpasses versus overpasses at several street-railroad grade separations, the adequacy and timing of certain traffic mitigations, the treatment of Roeding Park, handling of City sewer and water pipelines and the general adequacy of the historic resources analysis within the EIR/EIS. Staff recommends the Council receive the update on the City departmental review of the EIR/EIS documents, provide input on the draft comments and identify any additional topics to be addressed. Final City comments will be transmitted to the California High Speed Rail Authority not later than the October 13, 2011 deadline.

BACKGROUND

In August 2011, the California High Speed Rail Authority ("Authority") released the EIR/EIS for the proposed High Speed Rail project from Merced to Fresno and a second EIR/EIS for the Fresno to Bakersfield segment. Each EIR/EIS is essentially a station-to-station project for environmental analysis. Thus within the City of Fresno the Merced to Fresno EIR/EIS affects from downtown near the Mariposa Street alignment, north to the San Joaquin River. The Fresno to Bakersfield EIR/EIS affects

Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

Report to the City Council
Update on High Speed Rail Environmental Impact Report Review
October 6, 2011
Page 2

from downtown south to the Sphere of Influence (SOI) boundary at American Avenue. The initial close of the public comment period was September 29, 2011, but the Authority extended the public comment period to October 13, 2011 due to some information that was not initially provided due to technical difficulties with the distribution and dissemination of this large volume of information.

According to the CEQA Guidelines, comments on Draft EIRs should focus on the sufficiency of the document in identifying and analyzing the project's possible impacts on the environment and ways in which the project's significant effects might be avoided or mitigated, especially specific alternatives or mitigation measures. The Guidelines further suggest that reviewers should explain the basis for their comments and, whenever possible submit supporting data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. It is important for the City to submit its comments by the October 13, 2011, as the Authority is legally required to provide written responses only to those comments submitted during the Draft EIR comment period.

Although Authority staff and the engineering consulting team for the Authority had previously met with City departments to discuss specific project design issues, the release of the EIR/EIS documents represented the first time for the City to see the environmental document. The large volumes of information have consumed a significant number of hours for City staff from several departments and also necessitated the City to retain Precision Civil Engineering to assist in the review, as approved by the Council on August 25, 2011. Attached to the staff report are two draft EIR/EIS comment letters, one for each project segment. The letters represent the professional analysis, input and concerns from the Public Works Department, Department of Public Utilities, Development and Resource Management Department (DARM), Police Department, Fire Department, Parks, After-School, Recreation and Community Services Department (PARCS). Principal areas of concern include the need for underpasses versus overpasses at several street-railroad grade separations, the adequacy and timing of certain traffic mitigations, the treatment of Roeding Park, handling of City sewer and water pipelines and the general adequacy of the historic resources analysis within the EIR/EIS.

FISCAL IMPACT

There is no fiscal impact associated with the EIR/EIS comment letters.

Attachments: Draft Comment Letter, Merced to Fresno
Draft Comment Letter, Fresno to Bakersfield

HIGH SPEED RAIL EIR/EIS FOR MERCED TO FRESNO HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS

Page	Section	Specific Statements	Comments
GENERAL			It is the City's understanding the California High Speed Rail Authority (CHSRA) will be responsible for the mitigation measures within the City of Fresno or its sphere of influence, and as a result, no City of Fresno funds or resources will be required for the mitigation measures. City staff time will be required for plan check and approval, field inspection and acceptance of improvements constructed by the CHSRA but this staff time must be paid for by the CHSRA as part of the project costs
3.2-29	3.2.5.3	The Draft EIR/EIS states that "a Construction Management Plan would be prepared during final design that outlines transportation detours, plans to accommodate emergency service routes, and outreach activities to manage expectations and traffic constraints, among other items. Preparation of this type of plan is a standard practice and incorporates local review and comment."	Project construction has the potential to create significant impacts to emergency response and public safety, result in significant traffic congestion, delays and short-term air quality impacts by limitation or elimination of full access over existing overpasses (Ashlan/State Route 99). Arterial and collector streets are relied upon by emergency responders such as the Fresno Police Department and Fresno Fire Department. Detours, closures and lane restrictions have the potential to impact emergency response times. Ordinarily a stage construction and traffic handling plan would be prepared during the final design of a project, after CEQA/NEPA clearance. However, due to the proposed design-build delivery method of the project, the City is concerned that this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project. The traffic control requirements need to be put in place as mitigation measures to reduce these construction impacts to less than significant. The City believes the following restrictions should be incorporated into the measures to mitigate these identified construction related impacts: <ul style="list-style-type: none"> • Maintain detection at signalized intersections where alignment changes or widening is necessary, in order that the traffic signal does not need to be placed on recall (fixed timing). • Changeable message signs (CMS) shall be employed to

Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

HIGH SPEED RAIL EIR/EIS FOR MERCED TO FRESNO HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
			<p>advise motorists of lane closures or detours ahead. The CMS shall be deployed seven (7) days prior to the start of construction at that location.</p> <ul style="list-style-type: none"> Where project construction will cause delays on major roadways during the construction period the project shall provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to State Route 99 freeway interchanges will require CMS placement to the east to allow drivers to make alternate route decisions. In the case of work on Shaw Avenue, recommended placement would be a CMS at Shaw Avenue just east of State Route 41 and a CMS at Shaw Avenue just east of Palm Avenue. Similar CMS usage shall be required along Ashlan Avenue, Clinton Avenue, McKinley Avenue, Olive Avenue and Belmont Avenue. The CHSRA in conjunction with the City of Fresno, Public Works Department shall develop a traffic management plan on surface transportation network to minimize potential impacts on public safety services. During project construction alignment of roadways to be grade-separated and freeway overpasses to be reconstructed shall be offset from the existing alignment to greater facilitate stage construction. (i.e. Ashlan, Clinton) Four travel lanes shall be maintained from 7:00am-9:00am and from 4:00pm-6:00pm on Shaw Avenue from Cornelia to Blythe Avenue (at UPRR), on Ashlan Avenue from Parkway to Valentine Avenue (at UPRR) and on Clinton Avenue from Marks Avenue to Weber Avenue (at SR-99). The Veterans Boulevard overpass and construction of new alignments of Golden State Boulevard and Bullard Avenue shall be completed and open to traffic prior to the closure of the Carnegie Avenue at-grade railroad crossing.
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HIGH SPEED RAIL EIR/EIS FOR MERCED TO FRESNO HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
			<ul style="list-style-type: none"> One lane of traffic in each direction must be maintained at all times for Olive Avenue and McKinley Avenue for the construction of the proposed grade separations. No full closures of these crossings shall occur, with the exception of short duration closures of less than 72 hours not more than once per month. During any Belmont Avenue closures that are determined to be necessary, the adjacent crossings of Olive Avenue and Divisadero Street shall remain open with no lane closures at the two crossings. In regards to the existing railroad crossings at Divisadero, Tuolumne and Stanislaus, two of the three crossings shall remain open at any given time.
3.2.29	3.2.7	The Draft EIR/EIS depicts numerous locations for road construction.	<p>The City is concerned that the Draft EIR/EIS does not include a comprehensive plan for ensuring that adequate public safety and emergency response routes are maintained during construction. The two Policing Districts impacted by the HSR are the Northwest Policing District (HSR track north of McKinley Blvd) and the Southwest Policing District (HSR tracks south of McKinley Blvd). Information such as proposed construction schedules, defined construction zones, security needs for building sites or building materials (to coordinate with private security if used), proposed HSR train schedules, as well as some understanding of the timing between railroad crossing arm activation on surface streets relative to the speed trains travel on the HSR, would assist in developing adequate travel alternatives for law enforcement emergency calls. Of particular concern is the major re-routing of State Route 99 and reconstruction of the Clinton/SR-99 interchange along with ramp modifications and the potential adverse impacts public safety and the impacted LOS on these re-routed segments. It is not adequate to defer the development of a traffic management plan to the final design stage given the potential impacts which may or may not be mitigated by the future plan that would be developed. A comprehensive plan should be developed in conjunction with the Fresno Police Department, Fresno Fire Department and</p>
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			California Highway Patrol for this area. Reconstruction of the Ashlan Avenue overpass, along with major construction/grade separations on east-west roadways do not appear to have contemplated the impact upon emergency responders and public safety for the project area. More specificity is needed in order to ensure that these impacts are mitigated.
3.2-108	3.2.7	The EIR/EIS identifies TR MM #6, "Modify Signal Timing", as a proposed mitigation measure for certain intersections.	The City disagrees with this proposed mitigation measure and as a rule does not accept this for private development projects nor for projects proposed by other governmental agencies. The analysis and proposed mitigation measure is flawed in that it does not represent an "apples to apples" analysis of the intersection level of service (LOS) before and after the high speed rail project. Optimized signal timing, incorporating the City policies on minimum green times for certain movements, staying within allowable cycle lengths for the overall signal and so forth, should be a given for existing, existing plus project and future scenarios. Specifically intersection #9, Figarden/Bullard, is being affected by the proposed closure of the Carnegie Avenue/UPRR crossing, which will re-direct some traffic to Veterans Boulevard but some along Bullard Avenue to the Figarden/Bullard intersection. Physical improvements at the intersection need to be made to mitigate the impacts to this existing signalized intersection. The logical improvements to be considered in the EIR/EIS are dual left turn movements to serve the eastbound and northbound movements.
3.2.109-111	3.2.7	The Draft EIR/EIS identifies a number of proposed future traffic mitigations.	The currently proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation measures: <ul style="list-style-type: none"> Intersection #1, Golden State and Santa Ana Avenue: This intersection should be signalized with construction of the Shaw Avenue grade separation. The improvements to Golden State to provide two northbound left turn lanes and the improvement of Santa Ana to provide two

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			westbound receiving lanes, needs to be part of the Shaw Avenue grade separation and High Speed Rail project's initial construction. <ul style="list-style-type: none"> Intersection #2, Cornelia and Santa Ana: the City has developed a curved alignment to connect these two roadways and thus a signalized intersection would be avoided. The realignment should be incorporated into the initial HST project construction. Intersection #3, Cornelia Avenue and Shaw Avenue needs to be designed to meet LOS standards in the future condition. To avoid greater right-of-way acquisitions, the City would be willing to accept LOS E rather than D at Cornelia/Shaw in the future condition, but LOS F would not be appropriate. Intersection #5, Blythe Avenue and Shaw Avenue: In subsequent discussions with the Authority's engineering consultants, it has been determined that the Shaw Avenue profile could be modified to bring Shaw down more quickly (i.e. closer to 5%) and thus be able to retain a Jennifer Avenue connection to Shaw Avenue. The City would want to see the Jennifer connection to Shaw as a right-in, right-out intersection, not retaining the Shaw/Jennifer existing EB left turn lane because of the vertical curve, stopping distance and traffic safety concerns. Thus the traffic modeling should be modified to preserve Shaw/Jennifer with westbound rights and southbound right turns allowed. The full closure of Jennifer Avenue at Shaw Avenue has the potential to adversely impact businesses in the area and would increase the amount of traffic using Blythe Avenue north of Shaw Avenue which does not have the capacity for these additional movements, both in terms of volumes and capacity for stacking at turn pockets. The City notes that even with the required connection to be preserved at Shaw and Jennifer, the LOS at Blythe and Shaw will be somewhat impacted by the high speed rail project and the mitigation measures should be revisited to evaluate a
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			<p>second eastbound left turn lane from Shaw to Blythe.</p> <ul style="list-style-type: none"> Intersection #7, Cornelia Avenue and Golden State Boulevard: The signalization of this intersection will be needed with the Shaw Avenue grade separation and needs to be included in the initial project construction. Intersection #14, Veterans Boulevard and Bullard Avenue: The City takes exception to the consultant's analysis and disagrees with any future need for grade-separating the through movement on Veterans Boulevard from Bullard Avenue. A thorough analysis is contained within the Traffic Operations Report (TOR) for the Veterans/SR-99 interchange project. Roadway #5, Veterans Boulevard between Golden State and Bullard Avenue: The City takes exception to the consultant's analysis and disagrees with any future need for eight lanes instead of six lanes on Veterans Boulevard within this roadway segment. Intersection #11, Clinton Ave/Weber Ave: The mitigation measure is appropriate for the HST project, but the engineering plans in the technical appendix need to be updated to reflect the intersection improvements being done as part of the project. Page 3.2-111, Mitigations for 2035 with project v. 2035 no project scenarios: The City is concerned that the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures
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			<p>now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law (Anderson First).</p> <ul style="list-style-type: none"> The City is concerned that although the grade separation of Olive Avenue and the UPRR/HST corridors will also grade-separate the Olive/Golden State Intersection, the redistribution of turning movements from Olive/Golden State to the Olive/West intersection does not appear to have been evaluated. The intersection of Olive Avenue and West Avenue should be signalized by the HST project to mitigate this traffic impact. Furthermore this grade separation of Olive Avenue will shift the left turning movements between Olive and Weber to the adjacent intersection of Olive and Fruit which has permissive phasing and not protected left turn phasing. The HST project should install protected left turn phasing at Olive and Fruit to mitigate this traffic impact. The City is concerned that although the grade separation of McKinley Avenue and the UPRR/HST corridors will also grade separate the McKinley/Golden State Intersection, the redistribution of these traffic movements to the new McKinley Avenue connector does not appear to have been analyzed at the new intersection with McKinley Avenue. The HST project may potentially create the need for signalization of this new intersection along with the SR-99 northbound off-ramp to McKinley Avenue intersection which may require signalization as well. <p>On the east side, the City previously installed protected left turn phasing at McKinley Avenue and West Avenue, so although the redistributed traffic should be evaluated by the EIR/EIS, we do not anticipate operational problems at that location at this time.</p>
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3.2.115-119	3.2.7	These tables discuss the mitigation measures necessary for the area surrounding the Downtown Fresno Station.	<p>The proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation measures:</p> <ul style="list-style-type: none"> Intersection #6 (SR 99 NB Ramps/Ventura Ave): The intersection will meet signal warrants at the time of HST project completion. Road closures will increase traffic to this location and therefore the HST project should install the traffic signal with the initial project construction. In regards to Table 3.2-53, "Future (2035) Plus Project Mitigation Measures - Fresno Station", the City is concerned that the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law (Anderson First). The widening of a number of these intersections and roadways would conflict with the City's downtown plans and would not be supported by the City, specifically: <ul style="list-style-type: none"> Intersection #21, H Street and Kern Street
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			<ul style="list-style-type: none"> Intersection #25, H Street and Tulare Street Intersection #26, Van Ness and Tulare Intersection #42, Van Ness and Fresno Intersection #56, Van Ness and Divisadero Intersection #74, Blackstone and Belmont Roadways: We do not support the widening of Tulare Street to six lanes between Broadway and Van Ness, nor do we support the widening of Divisadero to six lanes between Fresno Street and SR-41. <ul style="list-style-type: none"> Intersection #24 would have to be a grade-separated intersection as only the underpass (Tulare going under HST and UPRR) is viable for Tulare Street. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option. Why does the consultant believe that split phasing would be appropriate as a mitigation measure for intersection 46 (Fresno and Divisadero)? This would seem to create a long cycle length and poor and unacceptable LOS operations. Other options should be considered. Intersection #63 (H and Divisadero) is being proposed for extensive widening (i.e. triple rights, dual lefts, etc.) This mitigation measure may fit the CEQA definition of feasible, however does not consider potential significant impacts (dividing an existing community, or create inconsistency with the City's Bicycle, Pedestrian and Trail's Master Plan). Therefore, The City recommends the Authority evaluate a roundabout at this location to provide adequate LOS without the significant amount of R/W acquisition which would be necessary to implement the consultant's recommended "improvements".
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3.6-16	3.6		The locations and sizes of major sewer lines should be identified that cross the study area.
3.6-28	3.6	Utilities and Temporary Interruption of utility services	<p>In order to avoid sanitary sewer overflows and protect public health, it is essential to be able to adequately clean and maintain the sewer collection system. To facilitate those maintenance efforts there must be ready access to the system. Therefore be consider the following comments:</p> <ul style="list-style-type: none"> Any change in direction of the sewer collection system must occur at a manhole to allow access to each reach for inspection and cleaning. Any new sewer collection system manhole or structure installed with the project must be located to allow ready access by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements. <p>The construction of any new structures associated with the project must not impact ready access to existing sewer collection system manholes or other sewer collection system structures by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements. Any proposed bypass during construction of new mains would be subject to the requirements of the City of Fresno.</p> <p>All existing and Master Planned sewer, water, and recycled water facilities crossing the existing tracks and future HST tracks shall be required to have steel casings. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. Replacement lines must be constructed to City of Fresno Standards. Also, all</p>

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			existing valves, manholes, and any other above ground appurtenances shall be relocated outside of the proposed HSR ROW. HSR shall provide casing crossing the alignment of the HSR for future recycled water lines.
3.16-25	3.16.5.3	The Draft EIR/EIS states that "Characteristics of typical HST components as well as the potential to affect the aesthetic environment are listed in Table 3.16-2. (Street Modifications, Retaining Walls)".	<p>The Draft EIR/EIS fails to address the visual impacts upon existing neighborhoods and business districts in close proximity to the proposed overpasses/grade separations. At the proposed overpasses for McKinley/UPRR, Olive/UPRR and Belmont/UPRR, existing residential neighborhoods will have their aesthetics altered significantly by the proposed overpasses. The City notes that the plans included in the EIR/EIS propose a vertical retaining wall that would be directly at the backyards of many homes and that "where appropriate, retaining walls would include aesthetic design treatments (such as patterns)" (Page 3.16-26). The aesthetic design treatments would not be adequate to fully mitigate aesthetics and the potential for a socioeconomic impact of urban blight. The walls would not only have the potential to be visually oppressive, but would also be the target for graffiti which the City could not afford to keep clear of graffiti. Therefore the project should be constructing underpasses at Olive Avenue and McKinley Avenue if at all possible. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood, satisfying ADA requirements) to substantiate the conclusion.</p> <p>It is recognized that the Belmont underpass conflicts with the HST vertical profile and therefore an overpass would be necessary. However, the Belmont Avenue overpass is proposed to utilize a sheer vertical retaining wall on the Roeding Park side (north) on the west approach to the HST/UPRR crossing. This would contribute to a significant aesthetic impact upon Roeding Park with high concrete walls being constructed on the north, east and south sides of the park. To minimize this significant</p>

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			impact, the Belmont Avenue overpass should be re-evaluated to incorporate a well-designed landscaped embankment on the north side of Belmont for the western bridge approach, utilizing the existing street right-of-way currently occupied by the traffic circle and the Golden State approach roadways, so as not to encroach into any park lands. The tree selection and plantings should be complementary with Roeding Park and designed by a licensed landscape architect. Olive Avenue, as discussed previously, should be an underpass so as to eliminate the aesthetic impact of a high, concrete wall on the north side of the park. This would leave only the 14' high sound wall on the east side, which is needed for noise mitigation but could have its visual impact minimized through incorporation of a mural and well-designed architectural treatment.
Volume III Alignments	The conceptual 15% plans in Volume III call for an overpass at McKinley Avenue with 8% grades on the approach roadways, a "Pedestrian Bridge Study Area, Final Location to be Determined in 30% Design" and a new McKinley Avenue Connector to reconnect Golden State and McKinley, with a new intersection on McKinley Avenue approximately 250' east of the State Route 99 Northbound Off-Ramp to McKinley Avenue.	At McKinley Avenue, the overpass as proposed with 8% grades is not only a significant impact to pedestrians, it also adversely impacts the location of the touchdown point at the west end. The intersection of McKinley Avenue with the required McKinley/Golden State connector would likely need to be signalized in the future and the McKinley/NB SR-99 off-ramp intersection meets signal warrants today, thus creating a problem with closely spaced intersections in close proximity to the freeway and a potential mandatory design exception with Caltrans. The City believes an underpass at McKinley needs to be evaluated in order to provide a viable circulation system and to adequately mitigate to a less than significant level traffic impacts from the HST project. The City does concur with the use of a McKinley-Golden State Connector and with the eastern end of the grade separation needing to maintain a McKinley/Vassar intersection to preserve critical turning movements.	
Volume III Alignments	The conceptual 15% plans shown in Volume III include a major reconstruction and modification of the freeway interchange at Clinton Avenue and SR-99.	The City is concerned about the lack of pedestrian connectivity between the east and west sides of SR-99, in that the proposed reconstruction of the freeway interchange at Clinton Avenue and SR-99 will sever the existing pedestrian connectivity between Motel Drive and the Clinton Avenue/Vassar Avenue area. The EIR/EIS should evaluate the need for a pedestrian overcrossing	

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			so as to avoid a potential socioeconomic impact of dividing an existing community, by requiring pedestrians to walk all the way to McKinley Avenue and then return north along local streets west of SR-99, as compared to the direct connection they have today.
Volume III Alignments	The conceptual 15% plans shown in Volume III call for the existing overpasses at Tuolumne and Stanislaus Street in downtown Fresno to be reconstructed to span both UPRR and the HST alignment. The reconstruction includes approximately 8% grades on the approaches and calls for a separate pedestrian overcrossing somewhere between Tuolumne and Stanislaus.	Underpasses should also be constructed at the Stanislaus/UPRR/HST and Tuolumne/UPRR/HST crossings. The proposed overpass creates potentially significant environmental impacts in terms of lack of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing. The City has analyzed the vertical curves for these streets as underpasses and has determined that the underpass will be shorter, extending only from F to H Streets (similar to the Fresno Street underpass), thus providing for greatly reduced structure costs and superior circulation. It will also be possible with the street going under UPRR/HST to provide ADA-compliant sidewalks, thus eliminating the need for a separate pedestrian bridge and the problem of two ADA non-compliant bridges.	
Volume III Alignments	The grade separation plans show local streets being terminated at the vertical retaining walls for the City's major streets that would be reconstructed as overpasses extending over UPRR and HST (and in one case BNSF).	The plans shown in the technical appendices fail to address public safety and impacts to neighborhoods associated with the proposed concepts of local street terminations. The City is concerned that the EIR/EIS does not appear to have analyzed the potential for these dead-end streets to physically divide established communities. It is not permissible or appropriate to dead-end a local street without a cul-de-sac for turnaround purposes or alternatively with a local frontage road paralleling the realigned or elevated/depressed major street. In order to properly and adequately connect local streets that serve residential, commercial and industrial areas, the project will need to acquire additional right-of-way to either cul-de-sac local street, or to reconnect them to each other via local frontage roads.	
Volume III	The conceptual 15% plans depict	The Draft EIR/EIS fails to address the economic impact of the	

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	Alignments	numerous partial and full acquisitions.	creation of numerous parcels which may no longer have any development potential, or a greatly reduced potential. The environmental document does not speak to what will occur with this remnants and unusable slivers. The City is greatly concerned over the loss of land for economic development, loss of property tax revenues and sales tax revenues, as well as the potential for blight created by the HST project. The EIR/EIS needs to quantify these impacts and to provide appropriate mitigation to the community for these impacts.
S-16	Parks, Recreation, and Open Space	The Authority will work with the City of Fresno as the park owner to mitigate noise impacts. This impact could be mitigated to less than significant by addressing noise at Roeding Park, unless the City of Fresno declines sound mitigation, in which case the impact would remain significant and unavoidable under CEQA.	The CCHSRA and the City of Fresno should jointly review the proposed mitigation measures which reduce impacts based upon empirical data. We are requesting that mitigation be developed with more specificity, prior to the certification of the EIR/EIS. For example, mitigation measure PK-MM#4 proposes to construct a wall from ten to fourteen feet. The result of noise impact significantly changes with these heights.
3.6-16			The locations and sizes of major sewer lines should be identified that cross the study area.
	3.6.5.3		A separate paragraph needs to be included to address the necessary impacts to sanitary sewers and public health and safety: In order to avoid sanitary sewer overflows and protect public health, it is essential to be able to adequately clean and maintain the sewer collection system. To facilitate those maintenance efforts there must be ready access to the system. Any change in direction of the sewer collection system must occur at a manhole to allow access to each reach for inspection and cleaning. <ul style="list-style-type: none"> Any new sewer collection system manhole or structure installed with the project must be located to allow ready access by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements.

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			The construction of any new structures associated with the project must not impact ready access to existing sewer collection system manholes or other sewer collection system structures by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements.
	3.6.5.3		All existing and Master Planned sewer, water, and recycled water facilities crossing the existing tracks and future HST tracks shall be required to have steel casings. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. Replacement lines must be constructed to City of Fresno Standards. Also, all existing valves, manholes, and any other above ground appurtenances shall be relocated outside of the proposed HSR ROW.
		New Section	HSR shall provide casing crossing the alignment of the HSR for future recycled water lines. Design should follow the Recycled Water Master Plan.
	3.6 Hydrology & Water Resources	The Water Division has reviewed the California High Speed Train Impact Report/Environmental Impact Statement: Merced to Fresno segment. Based upon the City's review of the DEIR, the proposed project has the potential to greatly impact the operation of the City of Fresno water system. However, with appropriate mitigation measure those impacts could be reduced.	<p>1. The HST will cross or displace through the relocation of roadways numerous existing water mains. These mains are critical to the overall performance of the water system as they are generally near the UPRR and Freeway 99 alignments. Water main crossings of these existing alignments are currently limited and therefore need to be maintained to ensure adequate water system distribution east and west of these alignments.</p> <p>a) Existing water mains crossing the proposed HST alignment shall be maintained by reconstructing them in steel casings to allow the City of Fresno to maintain these facilities from outside the HST right-of-way.</p> <p>b) Related water system appurtenances such as valves, blow-offs, air release assemblies, etc., shall be relocated outside the HST right-of-way.</p> <p>c) Where water main crossings will exist outside the public right-</p>

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			<p>of-way, the project shall provide dedicated water main easements to the City for the ongoing operation and maintenance of the facilities.</p> <p>d) The must City reserves its right to increase the size of existing crossings or propose additional crossings as necessary to ensure existing levels of water service are maintained.</p> <p>e) Attached by incorporation is a list of existing water mains that will be impacted by the proposed HST alignment (See Exhibit XX, Water – HSR Crossings). It should be noted that this list is based upon a cursory level review and that other water main crossings may be identified as the project progresses.</p> <p>2. Due to ongoing planned water system capital improvement projects and anticipated future growth within the City of Fresno 2025 Fresno General Plan boundary, the Water Division will require the installation of steel casings to accommodate future water mains to be constructed after completion of the HST. A preliminary list of steel casing locations is attached for reference purposes (See Exhibit XX, @@@@). As the project progresses, it is possible that additional locations may be identified and shall be included in the HST project.</p> <p>3. Due to the significant number of potential water system impacts related to the proposed HST project, the Water Division requests the opportunity to complete the design of water facility improvements by utility or reimbursement agreement. Should the design of water facility improvements be completed under the HST project, all design documents shall be subject to approval by the City of Fresno Director of Public Utilities or his designee.</p>
3.11-8 (PDF page 8/33)	Table 3.11-3	Fire Departments and Equipment City of Fresno	<p>This table needs the following corrections and updates Service Area: City of Fresno and adjacent Fresno County areas under contract with the North Central Fire Protection District and Figarden Fire Protection District.</p>

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			<p>Equipment: 19 engines 5 ladder trucks with at least 85 feet reach 1 USAR (urban search and rescue) apparatus 2 water tenders 2 hazmat apparatus 2 brush rigs for vegetation fires Hazmat decontamination trailer Light and air unit</p>
3.11-8 (PDF page 8/40)	Section 3.11.4.1	Emergency Services-Fire	<p>Add the following language:</p> <ul style="list-style-type: none"> • The Fresno Fire Department is certified as a Type 1 Heavy Rescue and Regional Response Forces with specialized rescue equipment and contracted access to additional equipment, such as industrial cranes, as needed to respond to rescue emergencies in the Fresno County line to Merced HST corridor through mutual aid as requested. • Within the City of Fresno, there are significant emergency responses and fire protection infrastructure issues created by the Shaw overcrossing and cul-de-sac installations on N. Parkway between W. Ashlan and W. McKinley. Issues include over-length cul-de-sacs, elimination of access to public hydrants, elimination of required second access points to parcels, and locking parcels out of access to public streets. These issues need to be discussed in detail with City of Fresno Public Works and the Fresno Fire Department. • Within the City of Fresno, proposed new grade separations for HST and the UPRR will result in a net overall reduction in response times throughout the HST corridor, however the closure of the Divisadero at grade crossing will increase the time needed to deliver an a full initial first alarm assignment to the area west of the closure. <p>The roadway connection between Divisadero and G Street up to Belmont Avenue and Wesley Avenue needs to be substantially improved in order to provide an alternate route for emergency responders through the area. The EIR/EIS should evaluate and</p>

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			consider the type of improvements that may be necessary, such as adequate paving surfaces and travel lane widths to convey the kind and quantity of traffic to be re-routed through these other street connections as a result of the Divisadero closure.
3.12-9	3.12.4.1	Regional Population Characteristics	This section references the 2000 US Census. The 2010 US Census is now available and should be used to update this entire section. Projected population growth may be lower than estimated, which would further substantiate project impacts.
3.12-27	3.12	Concerning Poverello House as a women's shelter	Poverello House serves three meals a day, 365 days a year, to anyone in need; offers free medical and dental care through the Holy Cross Clinic; provides showers and laundry services to the homeless; serves as a day shelter and safe haven for people on the streets, houses a 28-bed residential alcohol and drug rehabilitation program, and a five-bed transitional home; distributes free clothing; provides recreation, mail service, transportation, and, in 2004, opened the Village of Hope, a temporary overnight shelter for homeless people who want an alternative to the streets.
3.15-13	3.15.4.1	Roeding Park, a regional park and the first park in the City of Fresno, is part of a local historic district and eligible for the National Register of Historic Places (NRHP).	Roeding Park, a regional park and the first park in the City of Fresno, is part of an eligible local historic district and eligible for the National Register of Historic Places (NRHP). The City has not gone through a formal process to establish the District, pursuant to Fresno Municipal Code, Article 16, Historic Preservation Ordinance.
3.15-32	3.15.5.3	Construction activities would occur adjacent to the eastern boundary of Roeding Park, but no temporary use of parkland for construction purposes is anticipated. Temporary construction impacts such as noise, dust, and visual changes would be minor and would not substantially reduce the value of the resources.	All of the proposed alignments utilize the same space along the Golden State Boulevard segment between Belmont and Olive Avenues, which are immediately adjoining the regional park. To ensure the safety of park user and minimally impact the existing open space would require that a portion of the park would be closed during construction to provide an appropriate barrier between temporary construction activities and public access for recreational purposes. The CHSRA and the City of Fresno should develop this mitigation measure related to the necessary spatial requirement and

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			compensation for that temporary use, prior to the certification of the EIR/EIS.
3.15-40	3.15.5.3	The proposed projects described in the master plans would not conflict with the adjacent HST alternatives, except for the new park boulevard entrance and exit at Golden State Boulevard....However, Golden State Boulevard would be closed under the HST project (i.e. the project would require the closure of the Golden State Boulevard east of Roeding Park, precluding a direct connection). According, construction of the boulevard as contemplated in the master plan is not reasonably foreseeable and would conflict with the HST Design.	a) The Roeding Park Master Facility Plan and environmental impact report identify the new entry onto Golden State Boulevard as a "first phase priority" with an anticipated completion by 2014 or earlier. This plus the master plan planning horizon of 2020 clearly make this project foreseeable, within the HSR planning horizon of 2035. We recommend a mitigation measure be developed whereby the project compensates the City of Fresno for the redesign of the circulation system, entitlement fees, subsequent environmental review, and possibly reconstruction cost associated with direct modification as result of the project. This mitigation measure should be developed and agreed upon by the parties, prior to the certification of the EIR/EIS.
3.15-41	3.15.6.2	PK-MM#4: It is assumed that a sound barrier would be 10 to 14 feet tall and have aesthetic treatment. A 10-foot-high sound barrier would reduce noise to 64dBA at 250 feet inside the park and residual noise effects would occur. A 14-foot-high sound barrier would reduce noise effect effects to within 1dB of no impact.	To avoid adverse impacts to the park and its potential historic eligibility we would hope that every effort would be made to retain the bucolic setting of the park by minimizing project effects on mature landscaping, zoo patrons and the animals within the exhibits in proximity to the project. Therefore, we are recommending that the proposed mitigation measure be modified to state that a 14-foot-high sound barrier will be installed with a minimum five foot landscape buffer to further mitigate potential aesthetic impact. The project would be required to submit a set of landscaping plans to the City of Fresno for review and final approval of planting materials. Such a modification to the mitigation measure would potential reduce park, historic, noise and aesthetic impacts associated with this project.
3.17-74-76	3.17.6.2	MM#1, MM#4, MM#7	We understand that the proposed project is contained to the existing Golden State Boulevard public right-of-way. However, if the project encroaches into Roeding Regional Park will these mitigations measures apply?
3.18-5	3.18.2	City of Fresno General Plan	This section should be revised to ensure consistency with the

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661-13

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			planned land use and other applicable policies with the Fulton Corridor Specific Plan, Downtown Neighborhood Plan, Downtown Development Code and the Fresno General Plan, and related Development Code. Information is currently available on the City of Fresno website at: www.fresno.gov
3.18-14	3.18.5.3	Construction-related employment effects	It is not clear how the \$156,000 annual wage for construction workers was derived. It seems high.
3.4-13	3.4	The track was assumed to be on an aerial structure wherever top-of-rail elevations are more than fifteen feet above existing grade.	The City of Fresno is requesting additional analysis regarding the effects of vibration at the approach and sub-grade along Golden State Boulevard between Belmont and Olive Avenues. There is no substantial evidence, technical study or discussion of the potential impact of ground vibration impact within the existing park setting, sensitive users and exotic animals.
17-48	3	EIS/EIR and also the HPSR Omission of resources which were not evaluated for the historic property survey report	Additional analysis of the potential historic significance of the Belmont Circle, the Belmont Underpass and Railroad Bridge (all 1932 resources) by a qualified expert in historic preservation through the preparation of DPR forms as part of the environmental compliance for this section of the HST corridor.
17-62	3	"Foresters Underground Gardens is in the direct path of roadway improvements associated with all three alternatives... Construction would result in the physical demolition, destruction, damage or substantial alteration of the northeast corner of the property..."	1. The City needs more explicit information regarding potential impacts including potential of vibrations from HST; 2. Recommend that Arch-MM#4 (mitigation measure) be required for this site, to not only ensure and protect the Gardens but also to provide oversight for other sub-surface resources that have been found in the past (Hinojosa Property) immediately adjacent to the footprint of the Gardens
		HPSR: Consultants found that none of the 88 resources evaluated were eligible for designation to the National or California Registers (beyond three already identified: Roeding Park, Weber Overcrossing and the Foresters Underground Gardens).	At a special public meeting of the Historic Preservation Commission held on September 19, 2011, the Commission supported the staff view that both the McCordle Home and Zacky Farms MAY be eligible for designation to Fresno's Local Register of Historic Resources and should be considered in that light. In addition, commissioners also raised the option of a thematic Local Register District for 1940s, 1950s motels along what was once Highway 99 and requested additional review of

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			the Acme Machine Company Building. If buildings have lost too much integrity, their signs may be of interest and historic value. Landscape features (palms and oleanders) along this route may also merit historic review. Only the HPC and the City Council can designate a property to the Local Register. Should that occur for any of these resources, the property would meet the definition of a "historical resource" for the purposes of CEQA.
		Fresno Downtown Rail Station is fully articulated in the Fresno to Bakersfield segment EIR/EIS	We are recommending that the downtown rail station discussion, which appears in the Fresno to Bakersfield segment be incorporated into this document. We recognize this as ensuring continuity between the two documents which clearly overlap.
Fresno to Bakersfield Segment drawing A1101 (ground level site plan)	v. III, sec. E	[station area site plan diagram]	Diagram shows the block bounded by Broadway, Fresno, H, and Merced Sts. in its present configuration. The site should be shown as reconfigured back to a traditional street grid, and developed over time with ground floor retail. 1. The frontage on the south side of Fresno St. and both sides of Mariposa St. between Broadway and H Sts. should also be shown as lined with ground-floor retail uses. Mariposa in particular is a key pedestrian passage from the station to the commercial core of the downtown, and surface parking lots and blank building walls would act as a pedestrian deterrent. 2. In the two blocks bounded by H St., Mono St., the UPRR, and Kern St., there should not be a parking structure placed farther from the station than a surface lot, as shown. If demand requires the construction of a parking garage, the garage should be placed on the site of the surface parking and its size should incorporate the spaces provided by the lot. 3. In the block bounded by H St., Mono St., the UPRR, and Inyo St., the existing row warehouse along H St. should be shown as retained, particularly in light of comment (3).

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			<p>4. A taxi & shuttle pickup area is shown near the station's west entrance. This facility should be placed near the station's east entrance instead, perhaps as part of the future intermodal transit center shown at the corner of Mariposa St. and H St., or incorporated into the eastern bus stop and kiss & ride areas. An eastern location would allow this transit service to serve the downtown area in addition to the station itself.</p> <p>5. In the programming of the station itself, the western entrance should be conceived as secondary in function to the eastern entrance.</p>
General	v. III, sec. E	[station area]	<p>1. The City continues to support a Mariposa alignment for an east-facing station over the previously proposed west-facing station on a Kern St. alignment.</p> <p>2. Presently several thousand parking spaces exist in publicly and privately owned off-street facilities within walking distance of the station. The proposed new parking facilities depicted in the diagrams should only be developed when the parking demand in the area exceeds the available supply. New parking facilities should not be developed on a speculative basis.</p> <p>3. The land where potential future parking facilities are depicted should remain available for other types of appropriate downtown development and use, unless and until the parking facilities are developed.</p>
		Relocation Assistance Program Brochures	<p>We are recommending that the Relocation Assistance Program Brochures, which appear as part of the Fresno to Bakersfield segment be incorporated into this document. We recognize this as ensuring continuity between the two documents which clearly overlap.</p>
		Relocation Assistance Program	<p>We are strongly recommending that the HSRA work with the City of Fresno to establish and fund a team to work with identified impacted business through facilitation, transition and navigation through City processes. This is imperative to reduce potential adverse impacts on the economic viability of businesses</p>

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661-14	Aesthetics	<p>The City of Fresno has experience significant aesthetic impacts, division of established community and socioeconomic impacts with overpasses as a simple transportation remedy. For example the Ashlan Avenue overpass is not a visual enhancement and doesn't promote a cohesive neighborhood</p> <p>Conversely, the City has experienced great success when working with the FRA to develop underpass crossings such as the Shaw and West underpass. This particular underpass promotes continuity of traffic flow and directly connects pedestrians from the surrounding neighborhood directly to the retail center.</p>	<p>impacted by the project.</p> <p>The City of Fresno is prepared and ready to work with the HSRA and FRA to evaluate on a case-by-case each impacted intersection to develop the best solution in avoidance of aesthetic, land-use and transportation significant impacts.</p> <p>Furthermore, we believe this cooperative agreement should be memorialized in some fashion, such as; through development of a mitigation measure, memorandum of understanding/ agreement.</p>

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Page	Section	Specific Statements	Comments
GENERAL			It is the City's understanding the California High Speed Rail Authority (CHSRA) will be responsible for the mitigation measures within the City of Fresno or its sphere of influence, and as a result, no City of Fresno funds or resources will be required for the mitigation measures. City staff time will be required for plan check and approval, field inspection and acceptance of improvements constructed by the CHSRA but this staff time must be paid for by the CHSRA as part of the project costs.
3.2-43	3.2.5(C)	The Draft EIR/EIS states that "during project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation."	Project construction has the potential to create significant impacts to emergency response and public safety, result in significant traffic congestion, delays and short-term air quality impacts by limitation or elimination of full access over existing overpasses (Ashlan/State Route 99). Ordinarily a stage construction and traffic handling plan would be prepared during the final design of a project, after CEQA/NEPA clearance. However, due to the proposed design-build delivery method of the project, this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project. The traffic control requirements need to put in place as mitigation measures to reduce these construction impacts to less than significant. The City believes the following restrictions will mitigate the construction impacts: <ul style="list-style-type: none"> • Maintain detection at signalized intersections where alignment changes or widening is necessary, in order that the traffic signal does not need to be placed on recall (fixed timing). • Changeable message signs (CMS) shall be employed to advise motorists of lane closures or detours ahead.

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			<p>The CMS shall be deployed seven (7) days prior to the start of construction at that location.</p> <ul style="list-style-type: none"> • Where project construction causes delays on major roadways during the construction period, the project shall provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to State Route 99 freeway interchanges will require CMS placement to the east to allow drivers to make alternate route decisions. In the case of work on Fresno Street, recommended placement would be a CMS at Broadway just east of the UPRR underpass, at Van Ness and a CMS at the intersection of Fresno and Divisadero. Similar CMS usage shall be required along Ventura Avenue, Church Avenue and Central Avenue. • During project construction alignment of roadways to be grade-separated and freeway overpasses to be reconstructed shall be offset from the existing alignment to greater facilitate stage construction. • In regards to the existing railroad crossings at Fresno Street, Tulare Street and Ventura Avenue, two of the three crossings shall remain open at any given time. • The existing Church Avenue at-grade railroad crossings at UPRR and BNSF shall remain open with one travel lane in each direction, until the Church Avenue overpass has been constructed and is open to traffic. • In regards to the existing railroad crossings at Central Avenue and American Avenue, these shall not be closed at the same time. • Mitigation measures associated with the closure of railroad crossings in the South Van Ness Industrial area (i.e. Van Ness, Florence, Belgravia) shall be constructed prior to closure of the railroad crossings. • The HSR Authority in conjunction with the City of Fresno, Public Works Department shall develop a traffic management plan for large event generating traffic on
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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT
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			surface traffic congestion/delays at Chukchansi Park at Tulare and H Street, as well as Convention Center/Selland Arena/Saroyan Theater events in downtown Fresno.
3.16-25	3.16.5.3	The Draft EIR/EIS states that "Characteristics of typical HST components as well as the potential to affect the aesthetic environment are listed in Table 3.16-2. (Street Modifications, Retaining Walls)"	The Draft EIR/EIS fails to address the visual impacts upon existing neighborhoods and business districts in close proximity to the proposed overpasses/grade separations. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion. The Tulare Street option which places Tulare over the HST corridor is an unacceptable option to the City in that it places Tulare Street more than twenty (20) feet in the air at the H Street intersection, directly in front of Chukchansi Stadium. This option also brings an overpass structure touching down near the historic buildings of the Fulton Mall. Furthermore this option proposes to block off F Street in the heart of the Chinatown district. For these reasons, an underpass with Tulare going under HSR is clearly environmentally superior and the only acceptable treatment for the project, which would reduce a potentially significant impact to less than significant. An underpass should also be constructed at the Ventura Street/UPRR/HSR crossing. The overpass is problematic in terms of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing.
3.2-94 to 89		Pages 3.2-94 through 3.2-89 discuss the mitigation measures necessary for the area surrounding the Downtown Fresno Station.	The proposed mitigation measures fail to adequately mitigate traffic impacts from the project, either due to not going far enough with mitigating the impacts resulting from project construction, or fail to conform to the City of Fresno's adopted

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			General Plan and specific plans as more specifically discussed below. In order to provide adequate mitigation measures the proposed measures must be modified as follows: <ul style="list-style-type: none"> Intersection #6 (SR 99 NB Ramps/Ventura Ave): The intersection will meet signal warrants established by the Manual of Uniform Traffic Control Devices (MUTCD) at the time of HST project completion. Road closures will increase traffic to this location and therefore the HST project should install the traffic signal with the initial project construction. In regards to Table 3.2-30, "Mitigation Measures – Fresno Station Area – Future (2035) Plus Project", the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment, and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either a) construct the mitigation measures identified in the DEIR/EIS concurrently with the initial project construction rather than deferring them to an unidentified time in the future; or b) identify how the mitigation measures will be funded and, prior to construction of the project, draft and enter into a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements. The agreement will require construction of the improvements upon 180 days notice by the City when the City determines traffic conditions warrant the particular improvements. The HSR
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			<p>Authority shall be responsible for implementation of this mitigation measure.</p> <ul style="list-style-type: none"> The widening of a number of these intersections and roadways would conflict with the City's downtown plans (Fulton Corridor Specific Plan, Downtown Neighborhood Plan, and Downtown Development Code) and would not be supported by the City, specifically: <ul style="list-style-type: none"> Intersection #21, H Street and Kern Street Intersection #25, H Street and Tulare Street Intersection #26, Van Ness and Tulare Intersection #42, Van Ness and Fresno Intersection #66, Van Ness and Divisadero Intersection #74, Blackstone and Belmont Roadways: We do not support the widening of Tulare Street to six lanes between Broadway and Van Ness, nor do we support the widening of Divisadero to six lanes between Fresno Street and SR-41. <p>A copy of the City's downtown plans is located at (insert link to electronic copy of plans). To mitigate the environmental impacts caused by the project, the project should include measures for these intersections and roadways that are consistent with the planned use designated in the City's downtown plans Fulton Corridor Specific Plan, Downtown Neighborhood Plan, and Downtown Development Code).</p> <ul style="list-style-type: none"> Intersection #24 would have to be a grade-separated intersection as only the underpass (Tulare going under HST and UPRR) is viable for Tulare Street. Split phasing would not be appropriate as a mitigation measure for intersection 46 (Fresno and Divisadero)? It would create a long cycle length and poor and unacceptable LOS operations. Other options should be considered. Intersection #63 (H and Divisadero) is being proposed

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			<p>for extensive widening (i.e. triple rights, dual lefts, etc.) This does not appear to be a feasible mitigation measure to adequately reduce the adverse transportation impacts caused by the project. The City recommends the HSR Authority evaluate a roundabout at this location to provide adequate LOS without the significant amount of right of way acquisition which would be necessary to implement the currently proposed measures for extensive widening of the intersection."</p>
	Volume III Alignments	The plans in Volume III Alignments show overpasses for the major streets with local streets terminating into a vertical retaining wall, with no other treatment being shown.	The plans shown in the technical appendices fail to address public safety and impacts to neighborhoods associated with the proposed concepts of local street terminations. It is not permissible or appropriate to dead-end a local street without a cul-de-sac for turnaround purposes or alternatively with a local frontage road paralleling the realigned or elevated/depressed major street. Such a dead-end of a local street would have a significant impact and physically dividing the established community. In order to properly and adequately connect local streets that serve residential, commercial and industrial areas, the project will need to acquire additional right-of-way to either cul-de-sac local street, or to reconnect them to each other via local frontage roads.
3.6-24	3.6 Public Utilities	Sewer	The EIR/EIS should specifically list the sewer facilities being impacted by the project by location and size. Areas of specific concern are at Kern St. Alignment, Church Ave. crossing, Jensen Ave. crossing, and North Ave. crossing, plus two private sewer mains at the Church Avenue crossing.
3.6-45		1 st paragraph	Storm drain and sanitary sewer facilities should be included.
3.6-46	3.6		All existing and Master Planned sewer and water facilities crossing the existing tracks and future HSR tracks shall be required to have steel casings. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. Replacement lines must be

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			constructed to City of Fresno Standards. Also, all existing valves, manholes, and any other above ground appurtenances shall be relocated outside of the proposed HSR ROW. HSR shall provide casing crossing the alignment of the HSR for future recycled water lines.
3.6-48	Table 3.6-15	Number of impacts	The number of sewer impacts appear to be 21. A correction should be made.
	3.8 Hydrology & Water Resources		<p>Based upon the City's review of the DEIR the proposed project has the potential to cause a significant and adversely impact the operation of the City of Fresno water system. However, the following mitigation measures will reduce those impacts:</p> <ol style="list-style-type: none"> 1. The HST will cross or displace through the relocation of roadways numerous existing water mains. These mains are critical to the overall performance of the water system as they are generally near the UPRR and Freeway 99 alignments. Water main crossings of these existing alignments are currently limited and therefore need to be maintained to ensure adequate water system distribution east and west of these alignments. A. Existing water mains crossing the proposed HST alignment shall be maintained by reconstructing them in steel casings to allow the City of Fresno to maintain these facilities from outside the HST right-of-way. B. Related water system appurtenances such as valves, blow-offs, air release assemblies, etc., shall be relocated outside the HST right-of-way. C. Where water main crossings will exist outside the public right-of-way, the project shall provide dedicated water main easements to the City for the ongoing operation and maintenance of the facilities. D. The City reserves the right to increase the size of existing crossings or propose additional crossings as necessary to ensure existing levels of water service are maintained. E. Attached by incorporation is a listing of existing water mains that will be impacted by the proposed HST alignment. It should be noted that this list is based upon a high level review and that other water main crossings may be

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			identified as the project progresses.
			<ol style="list-style-type: none"> 2. Due to ongoing planned water system capital improvement projects and anticipated future growth within the City of Fresno 2025 General Plan boundary, the Water Division will require the installation of steel casings to accommodate future water mains to be constructed after completion of the HST. A preliminary list of steel casing locations is attached for reference purposes. As the project progresses, it is possible that additional locations may be identified and shall be included in the HST project. 3. The City of Fresno, Department of Public Utilities, Water Division presently operates Well Site No. 162 located at 2091 E. Muscat Ave. Based upon the proposed HST alignment, this well site will be displaced and will no longer be able to operate. This will result in a significant reduction in water to the system in the area, including available water currently being used for homes and businesses, as well as maintaining adequate fire-fighting pressures. Current production data indicate that this well was constructed in March, 1995 and is capable of producing 1,500 GPM. Due to the proposed removal of this well site, the Water Division requires that the well site be replaced with a new well site(s) capable of producing a minimum of 1,500 GPM. Well sites shall be of a size and at a location acceptable to the Director of Public Utilities or his designees. The HST Authority shall be responsible for fully mitigating this impact, including acquisition of replacement well site(s), construction of the well(s) (including test holes, monitoring wells, wellhead treatment, site improvements, equipment structures, discharge plumbing, utilities and ancillary equipment) and payment of any costs and fees required for connection and restoration of lost water service.. Installation of the replacement well site(s) as outlined should restore water services to existing levels and result in mitigation of the impact caused by HSR.

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			<p>4. The Water Division is presently designing a 24-inch water main that will originate in West Fresno at the intersection of N. Hughes Ave/W. Olive Ave and terminate in downtown Fresno at the Water Division's proposed 3MG Water Storage Facility located at 401 H St (See the attached exhibit). The project design is currently at the 60% stage. Existing design documents for the 24-inch water main show the main crossing the proposed HST alignment at Mono St between G St and H St. This crossing will require a minimum 36-inch steel casing within the proposed HST right-of-way. Additionally, the 24-inch main is currently proposed in the G St alignment paralleling the proposed Fresno Train Station alternative at G St/Tulare St. Due to the limited information provided regarding the Train Station footprint and potential impacts to the G St. right-of-way, further information is requested by the Water Division to ensure the least possible impacts to the design, construction, and operation of the proposed 24-inch water main. At this point in time, the Water Division estimates that construction of the 24-inch water main will precede construction of the HST.</p> <p>5. Due to the significant number of potential water system impacts related to the proposed HST project, the Water Division requests the opportunity to complete the design of water facility improvements by utility or reimbursement agreement. Should the design of water facility improvements be completed under the HST project, all design documents shall be subject to approval by the City of Fresno Director of Public Utilities or his designee.</p> <p>6. Appendix 3.6-B Technical Memorandum: Water Usage Analysis for CHST Fresno to Bakersfield Section, Pg. 3.6-B-6 identifies an adjusted water usage factor for the HMF as 30 gallons per employee per day. This method of developing a water usage factor for the HMF seems inappropriate when the largest percentage of water that will be consumed at that facility is based upon the number of train cars maintained by the</p>

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO <u>PRELIMINARY DRAFT</u> COMMENTS			
			<p>facility. The City recommends that the water demand analysis consist of factors based upon the industrial use of water rather than a per capita approach.</p> <p>7. The DEIR Section 3.8-10 states that the HMF site will connect to the municipal water supply where possible and practicable. If the HMF Fresno Works alternative is selected and will obtain water service from the City, the following provisions must be satisfied:</p> <p>A. The HST project shall submit an application to the Fresno County Local Agency Formation Commission seeking authorization to expand Fresno's water service boundaries and provide water services to the Fresno Works site.</p> <p>B. The HMF Fresno Works Alternative property is not fully located within the City of Fresno's 2025 General Plan boundary and was not included in the 2008 Fresno Urban Water Management Plan. Therefore, no water allocation was identified for this portion of the site. The HST project shall provide an annual water usage analysis and provide the City of Fresno with a supply of water equivalent to the demand.</p> <p>C. The HST project shall submit water system improvement plans showing the location of all main extensions and all irrigation, fire, and domestic water services to be provided by the City of Fresno. Include on the plans the location of all reduced pressure backflow prevention devices for all services (see City Standards for acceptable locations). Any proposed City water mains shall be looped; dead end water mains will not be allowed.</p> <p>D. Payment of the standard impact and connection fees for the facility.</p> <p>E. Seal and abandon existing on-site well(s) in compliance</p>

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Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
			with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards. If the HMF Fresno Works alternative is selected and will obtain its water supply through the development of groundwater wells, the City of Fresno, Department of Public Utilities, Water Division recommends that the HST project identify groundwater mitigation measures to offset its groundwater demand through the implementation of water recycling, reuse, and aquifer recharge. The mitigation shall have a net zero impact on groundwater resources.
3.11-8 (PDF page 8/40)	Table 3.11-3	Fire Departments and Equipment in the Fresno to Bakersfield HST Study Area	This table needs the following corrections and updates Service Area: City of Fresno and adjacent Fresno County areas under contract with the North Central Fire Protection District and Figarden Fire Protection District. Equipment: 19 engines 5 ladder trucks with at least 85 feet reach 1 USAR (urban search and rescue) apparatus 2 water tenders 2 hazmat apparatus 2 brush rigs for vegetation fires Hazmat decontamination trailer Light and air unit
3.11-16 (PDF page 16/40)	Table 3-11.4	Fire, Law Enforcement, and Emergency Medical Services Locations by Heavy Maintenance Facility Site.	This analysis is not accurate, but can be rectified by the addition of the following information: <ul style="list-style-type: none"> The Closest Fire Station column needs the following changes for the "Fresno Works-Fresno" line: 1.25 miles Fresno County Fire Protection District, Battalion 17, Station 89, Easton The Closest Hospital column needs following changes for the "Fresno Works-Fresno" line:

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
			7.2 miles, Community Regional Medical Center, Fresno
3.11-8 (PDF page 8/40)	Section 3.11.4	Affected Environment, Sub-section: "A. Emergency Services-Fire"	This analysis is not accurate, but can be rectified by the addition of the following information: <ul style="list-style-type: none"> Delete last sentence: "None-of-the-fire-departments have-specialized-rescue-equipment" and replace with the following: The Fresno and Bakersfield Fire Departments are certified as a Type 1 Heavy Rescue and Regional Response Forces with specialized rescue equipment and contracted access to additional equipment, such as industrial crane, as needed. Add the following language: The City of Fresno does not have an automatic aid agreement with the Fresno County Fire Protection District. Delivery of an Effective Response Force (EFR) within the time frames prescribed in NFPA 1710 (22-25 fire fighters within 8 minutes) to a proposed Fresno Heavy Maintenance Facility south of Fresno will not be possible until such an instant aid agreement can be implemented. Additionally, Fresno County Fire only has one truck company and NFPA 1710 specifies a minimum of two truck companies to comprise an EFR.
3.12-11	3.12.4.	Regional population characteristics	This section is based on US Census 2000 data. It needs to be updated using US Census 2010 data. This may indicate a lower growth rate than projected into the future. Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-12	3.12.4	Table 3.12-1	Projected growth rates need to be reexamined in light of current economic recession and 2010 US Census, which showed lower numbers and growth rates than California Dept of Finance.

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Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
3.12-13	3.12.4	HST Study Area Population	Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-14	3.12.4	Figure 3.12.1 Fresno to Bakersfield HST alignments	This discussion of the Fresno HSR impact area needs to be revised to reflect US Census 2010 data. Growth numbers and rates were lower for Fresno than estimated in this section. Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-17	3.12.4	Figure 3.12-2 Minority Group Representation	The map should indicate SH 99.
3.12-22	3.12.4	HST Study Area Housing Setting, City of Fresno	This figure needs to be updated to include US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-26	3.12.4	Economic Setting	This discussion of housing characteristics in the Central, Edison and Roosevelt Districts should be revised to include US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-33	3.12.4	Environmental Justice	This section should be revised to include 2010 unemployment data, and US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.
3.12-35	3.12.4	Fresno homeless discussion re Poverello House	This entire section refers to 2000 US Census data and needs to be completely revised based on 2010 US Census data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
3.17.38 HPSR	3	Of 176 historical architectural resources found ineligible by the consultants to the National or California registers, none "is listed or eligible for listing in local government registers or inventories, and as such, none is considered an historical resource for the purposes of CEQA."	Poverello House is not a women's shelter as stated, but provides food and shelter to homeless of all characteristics. Only the City's Historic Preservation Commission ("HPC") and the Fresno City Council can determine and designate a resource to the Local Register of Historic Resources. There are in fact a few resources within the proposed corridor that MAY meet the threshold for the Local Register. These would be considered, as appropriate, by the HPC and the City Council. The City's Demolition review protocol (2025 General Plan) could also trigger a review of a resource.
13 HPSR	6	Table 6.6-1 identifies several properties as historical resources for the purposes of CEQA due to the fact that they have been included in prior surveys, many over five years of age, and have been evaluated as potential contributors to a Local Historic District or as individually eligible to the Local Register but NOT designated, as such by action of the HPC or the City Council.	"After reviewing the Cultural Resources section of the DEIR and its related technical appendices, it appears that the Authority has identified a significant number of buildings and structures as "historic resources" that do not fall within the definitions for a mandatory or presumptive historic resource set forth in Public Resources Code, section 21084.1 and CEQA Guidelines, section 15064.5(a). Though this expansive view of "historic resources" is permissible it is not legally required. The Authorities determinations regarding which buildings or structures are "historic resources" with the City of Fresno is not binding on the City."
3.18-5	3.18	City of Fresno General Plan	Discussion needs to be revised to acknowledge current major update of the General Plan to 2035 with related new Development Code. Information is currently available on the City of Fresno website at: www.fresno.gov
3.18-12-13	3.18	Figures 3.18-3-4 Regional Employment	The total employment figures for Fresno County are different on each of the tables; by almost 100,000 jobs. The figures on 3.18-4 may represent total labor force, not total employment. These tables should be reconciled to ensure accuracy.
3.18-13	3.18	Unemployment rates	Discussion should be updated to 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

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Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS				
3.18-14	3.18	Table Characteristics	Labor Force	The table is not consistent with Table 3.18-4. These tables should be reconciled to ensure accuracy.
3.18-17	3.18	Construction-related impacts	employment	The \$156,000 annual average construction wage seems very high given the current economic conditions and historical wage trends in the area. The supporting data should be provided or clarified to ensure accuracy.
	3.19 Cumulative Impacts	Roeding Park, a regional park and the first park in the City of Fresno, is part of a local historic district and eligible for the National Register of Historic Places (NRHP).		<p>1) Roeding Park, a regional park and the first park in the City of Fresno, is part of an eligible local historic district and eligible for the National Register of Historic Places (NRHP).</p> <p>2) All of the proposed alignments utilize the same space along the Golden State Boulevard segment between Belmont and Olive Avenues, which are immediately adjoining the regional park.</p> <p>During the construction along Golden State Boulevard segment between Belmont and Golden State Boulevard a temporary barrier will be required to be installed to buffer construction activities and public access for recreational purposes. A minimum 15' buffer is required.</p> <p>3) We recommend that the mitigation measure be modified to specifically state that a 14-foot-high sound barrier will be installed with a minimum five foot landscape buffer to further mitigate potential aesthetic impact. The project would be required to submit a set of landscaping plans to the City of Fresno for review and final approval of planting materials. If applied this mitigation would reduce to a less than significant impacts related to noise, aesthetics and park and recreation categories.</p> <p>4) The analysis provided in this programmatic EIR/EIS did not fully evaluate ground vibration impacts on the existing park setting and sensitive users and exotic animals. Therefore, the City of Fresno is requesting additional analysis regarding the effects of vibration at the approach and sub-grade along</p>

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS				
				Golden State Boulevard between Belmont and Olive Avenues.
				This additional analysis will be used to develop mitigation for ground vibration impacting the existing park setting and potential effects on sensitive users and exotic animals.
	4.0 4(f)/Section 6(F) Evaluation			<p>1) Presuming the Fresno to Bakersfield Section starts at Clinton Avenue then this Section should include discussion of Roeding Park, similar to the Merced to Fresno Project EIR/EIS.</p> <p>2) Within this section there should be a discussion of the Downtown Fresno Station Alternatives and related historical, similar to the Merced to Fresno Project EIR/EIS, 4.0 Draft Section 4(F)/6(F) Evaluation.</p>
17-88	3	ARC-MM#4 (EIS/EIR)		<p>Mitigation MM#4 should be required for the Fresno Station area, as it is the environmentally superior alternative to avoid impacts, direct and indirect, to historic resources including the potential for sub-surface deposits in Chinatown and within the corridor of the Central Pacific Railroad (later Southern Pacific)</p> <p>There are no technical studies, substantial evidence or discussion (e.g. discussion of potential of subsurface deposit that may be in the area, historic underground tunnels/structures in Chinatown) to substantiate the conclusion.</p>
17-58	3	EIS/EIR identifies the Azteca Theatre (836-840 F Street) as eligible for listing in the California Register.		Due to the building's association with Arturo Tirado and the importance of the building to the Mexican community in Fresno (1950s and 1960s) staff and HPC believe the building is individually eligible to the National Register of Historic Places.
17-79	3	Tulare Street Overcrossing would cause a direct adverse effect to the Southern Pacific Railroad Depot and to the Bank of Italy (Fulton Mall). In addition the proposed overcrossing would cause indirect impacts to CEQA only historical resources.		A Tulare Street undercrossing is required in order to avoid impacts, direct and indirect, to historic properties. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion.
17-82	3	Alternatives: Fresno Station, Mariposa		The Mariposa Street Station is the most prudent and feasible

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
		Alternative and Kern Alternative	alternative for avoiding or reducing impacts to the environment. The Kern Station alternative would demolish a designated historic building, the Hobbs Parsons Produce Company Building (1903, HP#169) which is not only one of the oldest extant commercial buildings in Fresno but was also recently restored for adaptive use by the City's Fire Department.
17-87-92	3	Mitigations for Archaeology and Historic Architectural Resources	Mitigation measures as proposed are loosely described and do not provide specificity to minimize significant adverse impacts, measurable, feasible, nor describe the responsible party for implementing the measure.
		The Historic Preservation Commission at a special meeting on September 19, 2011 took public testimony and made the additional comments and recommendations.	<p>1) The City has concern about potentially significant impacts to a historic resource at the Van Ness Gateway, which is not only on the City of Fresno, Local Register of Historic Resources but was also found eligible to the National Register of Historic Places by the consultants. Although the historic Gateway to Fresno is not currently within the direct line for construction, it is anticipated that Railroad Avenue will become a cul-de-sac and the context for the Gateway will be impacted; other than perhaps from the train(s) itself it will be difficult or impossible to view the resource.</p> <p>2) The City requests that its Historic Preservation Commission be treated as a consulting party for the Memorandum of Agreement (MOA), or other similar type of instrument that will develop the treatment plan for significant impacts to historic resources.</p> <p>3) The City expressed concern about the combined impacts from noise and vibrations to historic resources from two rail systems, side-by-side, the HST and freight trains.</p> <p>4) Public and commissioners asked staff to consider the U.S. Steel Building for its potential designation to the Local Register.</p>
General	v. III, sec. E	[station area]	1. The City continues to support a Mariposa alignment for an east-facing station over the previously proposed west-facing station on a Kern St. alignment.

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HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT CITY OF FRESNO PRELIMINARY DRAFT COMMENTS			
			<p>2. Presently several thousand parking spaces exist in publicly and privately owned off-street facilities within walking distance of the station. The proposed new parking facilities depicted in the diagrams should only be developed when the parking demand in the area exceeds the available supply. New parking facilities should not be developed on a speculative basis.</p> <p>3. The land where potential future parking facilities are depicted should remain available for other types of appropriate downtown development and use, unless and until the parking facilities are developed.</p>
		Relocation Assistance Program Brochures	The City recommends that the Relocation Assistance Program Brochures, which appear as part of the Fresno to Bakersfield segment, be incorporated into this document. We recognize this as ensuring continuity between the two documents which clearly overlap.
		Relocation Assistance Program	The City is recommending a mitigation measure, or through a memorandum of agreement a fund be established to fully support a staff team to work with identified impacted business through facilitation, transition and navigation through City processes. This is being proposed to reduce to a less than significant adverse impact created by the project and associated with urban decay, aesthetic, and socioeconomic, communities and environmental justice.
	Aesthetics	The City of Fresno has experience significant aesthetic impacts, division of established community and socioeconomic impacts with overpasses as a simple transportation remedy. For example the Ashlan Avenue overpass is not a visual enhancement and doesn't promote a cohesive neighborhood	<p>As a generality the City of Fresno cannot accept a policy statement which simply considers only overpasses as a means to remedy a conflict between surface transportation system and HSR.</p> <p>The City of Fresno is prepared and ready to work with the HSRA and FRA to evaluate on a case-by-case each impacted intersection to develop the best solution in avoidance of aesthetic, land-use and transportation significant impacts.</p>
		Conversely, the City has experienced great success when working with the FRA to develop underpass crossings	Furthermore, we believe this cooperative agreement should be memorialized in some fashion, such as; through development

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Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

HIGH SPEED RAIL EIR/EIS FOR FRESNO TO BAKERSFIELD HST PROJECT
CITY OF FRESNO PRELIMINARY DRAFT COMMENTS

	such as the Shaw and West underpass. This particular underpass promotes continuity of traffic flow and directly connects pedestrians from the surrounding neighborhood directly to the retail center.	of a mitigation measure, memorandum of understanding/ agreement.
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Response to Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011)

661-1

See MF-Response-GENERAL-4 relating to impacts on the agricultural community. Recirculation of an EIR/EIS is required when substantial changes must be made to the Draft EIR/EIS before it is certified or the federal ROD is issued. Under CEQA, this may include a new significant impact not previously analyzed; a substantial increase in the severity of a significant impact, unless mitigated; a feasible project alternative or mitigation measure considerably different from those previously analyzed is suggested, but the lead agency declines to include it; or the DEIR/EIS was "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded" (CEQA Guidelines Section 15088.5). Recirculation is not required when new information is added to clarify or amplify the discussions in the EIR/EIS.

As a whole, the Authority/FRA's responses to the comments received on the Draft EIR/EIS illustrate and provide substantial evidence that none of the above conditions exist. This includes feasible project alternatives or mitigation measures considerably different from those analyzed in the Draft EIR/EIS.

Additional refinements have been made to the EIR/EIS to clarify the analysis, including revisions reflective of continuing refinement of the design and discussions with local agencies, but in the course of doing so the Authority/FRA have not found any new or substantially more severe significant impacts. The Final EIR/EIS includes greater specificity in the mitigation measures in order to clarify how and when they will be implemented. In some cases, this specificity is in response to suggestions made by commenters.

661-2

The Authority has been working directly with officials and staff of the City of Fresno to address many of the City's concerns including, but not limited to, those related to infrastructure, Roeding Park, and roads. See the individual responses to the comments in submittals #703 and #705 from the City of Fresno.

661-3

MF-Response-GENERAL-1.

661-3

The City of Fresno comment letter includes comments regarding a number of resources. The mitigation measures for these resources are described in Chapter 3 of the EIR/EIS. Please refer to comments and responses for submission #703 for specific responses to comments by the City of Fresno. In a number of cases, the mitigation measures in Chapter 3 have been revised in order to clarify how they will be implemented. The Mitigation Monitoring and Reporting Program that will be adopted by the Authority in conjunction with approval of the project describes the responsibilities of the Authority and the design-build contractor to be selected regarding the implementation of the mitigation measures.

661-4

See MF-Response-GENERAL-1. The comment provides no supporting evidence for this broad claim. See the individual responses to the concerns raised by the City of Fresno in submittals #703 and #705.

661-5

See MF-Response-GENERAL-1. The comment provides no supporting evidence for this broad claim. See the individual responses to the concerns raised by the City of Fresno in submittals #703 and #705. Impacts and mitigation measures for these resources are discussed in Chapter 3 of the EIR/EIS.

661-6

The City of Fresno comment letter includes comments regarding a number of resources. The mitigation measures for these resources are described in Chapter 3 of the EIR/EIS. Please refer to comments and responses for submissions #703 and #705 for specific responses to comments submitted by the City of Fresno. Note that there is no presumption of correctness regarding the City of Fresno's claims and recommendations for mitigation measures. In some cases, the Authority/FRA have declined to include a mitigation measure that is outside their jurisdiction, already represented in a project commitment (such as relocation assistance), or not directly related to the impact caused by the HST project.

The commenter attached a preliminary draft version of the City of Fresno's comments on the EIR/EIS. Two of the comments in the attachment are not included in the final

Response to Submission 661 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

661-6

version of the comments submitted by the City of Fresno (submission #703) and are therefore responded to in responses #2899 and #2900.

661-7

The commenter's statement that underpasses are generally preferred to overpasses is acknowledged, but the Authority and FRA do not agree with this observation.

Overcrossings and undercrossings are location-specific and designed based on considerations relevant to each crossing. Feasibility from an engineering and cost perspective are of primary concern, and additional issues are taken into consideration as appropriate. Environmental impacts are considered as well, including water quality, safety, noise, aesthetics, and cultural resources impacts, among other issues. Finally, the context of the overcrossing or undercrossing is an important consideration.

Local jurisdictions are involved in the planning process for those crossings that are of particular concern to their community, and the Authority collaborates with them to design crossings that respond to their concerns and satisfy the needs of the project. The EIR/EIS analyzes the effects of the proposed project alternatives, including the overcrossings/undercrossings.

661-8

Where pedestrian facilities are disrupted by grade-separations, the project design will include pedestrian to replace those facilities. During construction, the required traffic management plan will maintain pedestrian connectivity where compatible with pedestrian safety.

661-9

Mitigation measure S&S-MM#1 has been refined to clarify that the Authority will contribute a fair share of the cost of additional emergency services necessitated by the stations. Also, see MF-Response-S&S-7 regarding the mitigation measure and MF-Response-S&S-3 regarding continued access across the grade-separated right-of-way.

661-10

See MF-Response-TRAFFIC-2. In addition, see the Authority's responses to the City of Fresno's submittals #703 and #705 related to traffic analyses and termination of neighborhood streets.

The Authority has been working with the City of Fresno to refine the project design in order to reduce impacts resulting from street closures.

661-11

Employment information in the EIR/EIS is consistent. Employment information presented in various sections includes both current employment information and forecasted employment estimates.

661-12

Where applicable, the figures and graphics in the EIR/EIS illustrate the location of the proposed Downtown Fresno Station. See Figures 2-41 and 2-43, which superimpose the location of the station alternatives on an aerial photo of downtown Fresno. Chapter 2 provides additional detailed information on both the Downtown Merced and Downtown Fresno stations in section 2.4.2.4.

661-13

As a result of discussions with the City of Fresno, the project alignment has been modified to avoid encroachment into Roeding Park. The analysis in Section 3.17, Cultural and Paleontological Resources, identifies Roeding Park as a cultural resource that is eligible for listing in the California and National Registers. Section 3.17 identifies a number of potential significant effects on Roeding Park and mitigation measures to reduce those impacts (see measures Hist-MM#4 and PK-MM#4). Measure Hist-MM#7 (relating to HABS/HAER documentation) referenced by the City will not likely apply because no historic structures will be affected. Measure Hist-MM#1 (relating to construction vibration) would apply to the extent that any structures would be within the affected area.

661-14

See MF-Response-Visual-3, and MF-Response-Visual-4.

The Authority recognizes a necessity of the HST in some situations to go over or under

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661-14

streets and highways, or in trenches. The situational need to construct an overpass as opposed to an underpass (or vice-versa) is based on a number of factors, chief among these being engineering feasibility and prudential cost considerations. Moreover, the Authority recognizes that overpasses, underpasses, and trenches have the potential to reduce visual quality, change traffic patterns, and bisect communities. Because of this, the Authority will apply the design plans and mitigation measures in collaboration with communities and with regard to local plans and methods to minimize and mitigate adverse impacts of the HST from operation and construction. The Authority has coordinated with each affected jurisdiction to develop specific approach at each roadway affected. This is recorded in the updated analysis in the EIR/EIS and will also be documented with MOU/Agency Agreement between the Authority and the City of Fresno.

Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability (Attny for),
Wittwer & Parkin LLP, September 15, 2011)

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09-15-11A11:21 RCVD

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September 14, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Extension of Comment Period for Merced to Fresno
And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

This letter is submitted on behalf of Citizens For California High-Speed Rail Accountability (CCHSRA), a group of concerned residents, farmers, business people, and landowners who are concerned that the currently proposed high speed train project will have significant negative impacts throughout the state, and particularly on agricultural operations in the proposed Fresno to Bakersfield segment.

On behalf of CCHSRA, I am requesting that your Board take immediate action to provide an adequate comment period for the above-noted environmental review documents. Specifically, we urge the Authority to extend the time to comment on these two EIR/EIS documents until mid February, 2012, thus providing members of the public and those directly affected by the proposed project with at least 6 months to respond and provide comments on the two Draft EIR/EIS documents released by the Authority on August 9, 2011.

Attached is a copy of a letter making an identical request for the Fresno to Bakersfield EIR/EIS, submitted to you by the Griswold LaSalle law firm on behalf of the J.G. Boswell Company. We join in their request, and incorporate their arguments here, and we note that the need for and the justification for a six-month review period applies equally to *both* of the Draft EIR/EIS documents currently open for comment.

In fact, since this is a statewide project, which the Authority has chosen to design and review in segments, a competent and truly responsive set of comments on the impacts that will be created on any particular segment must take into account the impacts of the proposed project on other segments. This means that the CCHSRA must do more than review the 17,000 pages of the Draft EIR/EIS for the Fresno to Bakersfield segment that is of primary importance to CCHSRA and its members. CCHSRA's comments on the Bakersfield to Fresno Draft document must also take into account the contents of the Merced to Fresno Draft EIR/EIS, and the previously-certified statewide programmatic EIR/EIS. In short, the Griswold LaSalle letter is conservative in stating that members of the public are being asked to review 17,000 pages of

technical material, and to provide comments, all within a 60-day period. In fact, the volume of material that must be reviewed is probably close to three times that amount.

When the draft EIR/EIS documents were first released for public comment, CCHSRA promptly requested the Authority to provide a 90-day opportunity to comment on the Fresno to Bakersfield Draft EIR/EIS. The Authority did not honor that request. Without responding directly to CCHSRA, the Authority staff *did* revise the initial 45-day comment period announced upon release of the two Draft EIR/EIS documents, and added 15 days to the comment period for these documents, establishing the current 60-day comment opportunity. As the attached letter so convincingly demonstrates, a 60-day comment period is grossly inadequate. CEQA, and the CEQA Guidelines, and basic due process, require a much more extensive comment period.

CCHSRA and its members can attest that this due process problem is not merely "theoretical." Currently, CCHSRA and its members are working as diligently as they possibly can to review the 17,000-page Draft EIR/EIS for the Fresno to Bakersfield segment, and to relate this document to the Draft EIR/EIS for the Merced to Fresno segment and to the statewide Programmatic EIR. While the CCHSRA and its members are able to identify concerns and impacts that the proposed project will have on an area they know well, they are finding it incredibly difficult to prepare well-researched and substantiated comments on the Draft EIR/EIS documents, in view of the massive nature of the documents they are being asked to review and the very short comment period currently provided. This is particularly true since this is a time when many of the farmers most directly affected by the proposed plan in the Fresno to Bakersfield segment are preparing for an upcoming harvest. This makes it even more difficult to find any time to read, absorb, and then respond to the voluminous EIR/EIS documents.

A 60-day comment period does not provide the public with an "adequate" time to comment, and the failure of the Authority to provide an adequate time to comment undermines the integrity of the current environmental review procedure. This means that the residents, business persons, and landowners most directly affected by the proposed project are being denied an elemental due process opportunity to "be heard" before the government takes actions that could, in many cases, put working farms and dairies out of business along the proposed Fresno to Bakersfield segment.

Having an adequate opportunity to provide comments is of such great importance to CCHSRA and its members that CCHSRA was in the process of organizing its members to attend the scheduled September 22, 2011 Authority Board meeting, to make a personal appeal to the Authority Board to extend the current comment period, as we request in this letter. References to that scheduled September 22, 2011 Board meeting were posted on the Authority's website as late as Sunday, September 11th, but the September 22nd meeting was then apparently "cancelled," and all references to the meeting were removed from the Authority's website, by Tuesday, September 13th.

Because there is no regular Board meeting scheduled prior to the current comment deadline on October 13th, we request that Authority immediately schedule a special meeting of the Board directly to address this pressing request for a six-month review period.

Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability (Attny for),
Wittwer & Parkin LLP, September 15, 2011) - Continued

784-1

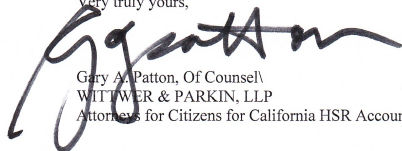
As CEQA provides, at Public Resources Code Section 21005 (a):

The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

The information in the comments that CCHSRA and its members want to supply through their comments is absolutely "relevant information." We urge the Authority to take seriously its responsibility to make sure that such relevant information about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high-speed train project in the Central Valley, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution. Unless it is extended, the Authority will not receive all the relevant information it needs to know about, before making a decision on the largest public works project ever proposed in the State of California.

In conclusion, we ask the Authority for a six-month period to comment on environmental review documents. Failure to provide an adequate comment period is a violation of both the law and due process.

Very truly yours,


Gary A. Patton, Of Counsel\
WITTWER & PARKIN, LLP
Attorneys for Citizens for California HSR Accountability

cc: Governor Jerry Brown
Members and Supporters, CCHSRA
Members, California State Legislature
Kings County Board of Supervisors
City Officials in Kings County
J.G. Boswell Company
Other Interested Persons

Robert M. David*
Robert W. Galt*
Randy L. Edwards
Jim D. Lee
Jeffrey L. Levinson*
Raymond S. Carson
Ty N. Mizelle*
Michael R. Johnson*
Steven B. Dias
Robert M. Hall
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September 8, 2011

VIA UPS NEXT DAY AIR SAVER
TRACKING NO. 1Z F74 78R 13 9995 0584

Board of Directors
CALIFORNIA HIGH SPEED RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Extension of Draft EIR/EIS Comment Period - Fresno to Bakersfield HSR
SCH # 2009091126

Dear Chairman and Members of the Board:

This letter is submitted on behalf of J.G. Boswell Company. The purpose of this letter is to request an extension of the comment period on the above Draft EIR/EIS for at least 6 months, through mid-February 2012.

The existing comment period is grossly inadequate and denies due process to those seeking to comment on the EIR/EIS. The initial 45 day comment period, later extended only 15 additional days to October 13, 2011, is plainly insufficient to allow any meaningful comment on 17,000 pages of documents.¹ See Appendix A for list of documents and page lengths. The 17,000 page total does not include any documents for the Merced to Fresno segment (SCH # 2009091125), which would bring the total to over 30,000.

The EIR/EIS is not user friendly. For example, Chapter 10 of the EIR/EIS lists 831 sources that are referenced in the report. In instances noted so far, these sources are referenced without internal citations, requiring the reviewer/commenter to obtain the document, review it, and make a judgment as to which part was intended to support the citation in the EIR/EIS. This lack of

¹It also appears the EIR/EIS and supporting documents are available in English only.

Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability (Attny for),
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specific citations makes it difficult to determine whether a statement made in the EIR/EIS is supported by substantial evidence.

Due to the requirements of CEQA,² meaningful public comment is the key phase of the CEQA public review process. The CEQA process becomes a sham without it, and results in a denial of due process.

In 2004 the Authority released the Draft Program EIR/EIS for the Proposed California High-Speed Train System (SCH #2001042045). The State Clearinghouse set a review period of February 13, 2004 to August 31, 2004, or 6 1/2 months, for this Program EIR/EIS. It neither makes sense, nor is there any good reason, why the review period for the Program EIR/EIS was more than 6 1/2 months while the review period for the much more detailed Project specific EIR/EIS is only 2 months.

In view of the above, we believe that at least a 180 day comment period is required, ending mid-February 2012 as measured from August 15, 2011. This matter requires Board, rather than administrative, attention, and, accordingly, we request this matter be placed on the agenda for a special meeting at the Board's earliest convenience. As the Board's next regularly scheduled meeting is not until September 22, 2011, the urgency of this issue demands it be dealt with before then.

We understand that the EIR/EIS was released on August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 day period is the minimum under CEQA Guidelines § 15105(a). This time period makes no allowance for the unparalleled scope of the project.

At the August 25, 2011 Board meeting, a petition signed by about 300 Kings County residents was submitted by Hanford-area farmer Frank Oliveira on behalf of the Citizens for California High Speed Rail Accountability (CCHSRA). These citizens asked for a 45 day extension, making for a total of a 90 day review and comment period. The request was not on the Board's meeting agenda, but staff did grant an additional 15 days to the original 45 day comment period for a total of 60 days. The comment period now ends October 13, 2011 which corresponds to the end date of the State Clearinghouse (SCH) review period.

²All statutory references to CEQA are to Public Resources Code §§ 21000 et. seq. CEQA's implementing regulations are known as the "CEQA Guidelines" and are set forth at 14 Cal. Code Regs. §§ 15000 et seq., and are referred to as "CEQA Guidelines § _____" or as "Guidelines § _____."

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The High Speed Rail (HSR) project is the largest and most expensive infrastructure project in the history of the State of California and even its component parts -- the Fresno to Bakersfield segment, or the Merced to Fresno segment, -- could fairly be estimated to be the largest infrastructure projects in State history, and certainly in the history of the San Joaquin Valley.

As stated above, the EIR/EIS for the Fresno to Bakersfield segment, select supporting documents, and technical data available at the Fresno-Bakersfield EIR/EIS web page consist of 17,000 pages (See Appendix A). Not all the documents referenced in the EIR/EIS are available at that web page. If one includes the EIR/EIS and related documents for the Merced to Fresno segment, the total pages to be reviewed approaches 30,000 or more. The sheer volume of material necessitates a significant extension of the review and comment period. Two basic reasons support the extension; these reasons are explained below.

I. **THE SIXTY DAY REVIEW PERIOD FAILS TO MEET CEQA REQUIREMENTS BECAUSE IT FAILS TO PROVIDE AN "ADEQUATE TIME" TO REVIEW THE MASS OF MATERIAL ONLY LATELY RELEASED FOR PUBLIC REVIEW AND COMMENT.**

CEQA Guidelines § 15203 states:

"The lead agency *shall* provide adequate time for other public agencies *and members of the public to review and comment* on the draft EIR or negative declaration that it has prepared." (Emphasis added.)

Adequate time is required not only because "Public participation is an essential part of the CEQA process" (CEQA Guidelines § 15201), but because the Legislature has declared that the purposes of the review period include:

- (a) Sharing expertise;
- (b) Disclosing agency analysis;
- (c) Checking for accuracy;
- (d) Detecting omissions;
- (e) Discovering public concerns; and
- (f) Soliciting counter proposals.

CEQA Guidelines § 15200.

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The Legislature has declared:

"The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." Pub. Res. Code § 21000(a).

And:

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

There can be no question that CEQA and the CEQA Guidelines were developed to allow the public every possible opportunity to meaningfully participate in the EIR/EIS process.

Given the mere 60 day review period, none of the purposes of EIR/EIS review and comment can be served, for the following two major reasons:

1. The time for review that the Authority has chosen does not allow the public "adequate time" for public review and comment, as required by CEQA Guidelines § 15203. To examine some 17,000 pages within 60 days requires a person to read 283 pages per day and no time to prepare responsive comments. The initial review period of 45 days was simply more egregious and required 378 pages per day to be read.

In comparison, a 45 day EIR review and comment period was recently used for an ordinance by the City of Sunnyvale to prohibit single use plastic bags at grocery stores. (See City of Sunnyvale Single-Use Carryout Bag Ordinance Draft EIR, SCH #2011062032 August 2011). That EIR consisted of 210 pages which amounts to reviewing 4.6 pages per day. The High Speed Rail Authority (Authority) expects 61 times more effort per day just to read the mass of CEQA documentation for the Fresno to Bakersfield HSR project.³ Such an expectation is unrealistic, unfair, and does not meet the requirement of CEQA to have adequate review period. At the "plastic bag ordinance" rate of 5 pages per day, the review period for the 16,953 pages of the Fresno-Bakersfield HSR EIR/EIS would be 3,391 days or about 9.3 years (16,953 pages x day/5 pages = 3,391 days x 1 year/365 days = 9.289 years).

These simple metrics, of course, in no way imply that the Fresno-Bakersfield HSR project is in any way comparable to Sunnyvale's plastic bag ordinance project. The former is an infinitely

³Also this does not include the EIR/EIS for the Merced-Fresno segment.

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more complex project proposing vast, irreversible commitments of public and private resources on the largest scale in the history of the San Joaquin Valley.

Persons who wish to comment and share their expertise, provide analysis, check for accuracy, voice their concerns, and prepare counter proposals will never be able to do so because they will never be able to review all the documents and comment in a mere 60 days.

2. While the regulations typically allow for a 45 to 60 day comment period, the regulations also allow that time to be exceeded, without the need to otherwise stop the project, in "unusual circumstances." CEQA Guidelines § 15105(a). The HSR certainly qualifies as an unusual circumstance. In no way can the HSR project be compared to other projects in the history of the State of California and the San Joaquin Valley. Therefore, the 60 day period must be extended.

The Legislature has declared:

"... it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration [under CEQA] as that of private projects required to be approved by public agencies." Pub. Res. Code § 21001.1.

A private company would never be allowed to undertake a project of this magnitude and be subject to a mere 60 day review period. Given the scope of the project, it is difficult to imagine that there could be a more "unusual circumstance" that would allow the typical comment period to be extended.

The "unusual circumstances" provision of CEQA Guidelines § 15105(a) gives the lead agency the necessary flexibility to set the comment period consistent with the meaningful public participation and due process goals of CEQA. This flexibility eliminates the absurdity of a "one size fits all" rule which would provide equal 45 day review and comment periods to the Sunnyvale plastic bag ordinance and the Fresno to Bakersfield HSR project. Nor must we omit that the review and comment period for the Merced to Fresno Draft EIR/EIS runs concurrently, compounding the insufficiency of the allotted time.

The Legislature has also declared that it is the policy of the state that:

"Documents prepared pursuant to [EIR requirements] be organized and in a manner that will be meaningful and useful to decisionmakers and to the public." CEQA Guidelines § 21003.

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Given the sheer volume of the documentation, in order to make the documents "meaningful and useful" there must be adequate time to review them. With only 60 days, neither the decisionmakers nor the public can make the determination of whether the EIR/EIS documents satisfy that criteria because there is insufficient time to so do.

The Authority claims transparency in its proceedings but this claim rings hollow at this crucial juncture. The Authority's "Environmental Review Fact Sheet" states:

"The California High-Speed Rail Authority (CHSRA) and the Federal Railroad Administration (FRA) are the state and federal agencies responsible for the environmental review of the state's high-speed train system, and together they have implemented a more transparent, collaborative and inclusive approach to the EIR/EIS process than is typical or required, with state and local planning agencies, local communities and the general public integrated into the entire process." (Emphasis added.)

This statement is not true as to meaningful public participation and satisfaction of due process. The key point in the CEQA process is at hand and the 60 days allotted to review and comment on 17,000 pages of material for the Fresno to Bakersfield segment stacks the deck against the commenting parties. The point is exacerbated when the additional thousands of pages for the Merced to Fresno EIR/EIS are added.

II. THE SIXTY DAY REVIEW PERIOD DENIES DUE PROCESS TO INTERESTED PARTIES DUE TO THE LENGTH AND COMPLEXITY OF THE ENVIRONMENTAL DOCUMENTS FOR THE FRESNO-BAKERSFIELD HSR.

Any review period less than six months raises serious constitutional issues. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review 17,000 pages of documents associated with the Fresno to Bakersfield EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature has allowed the public to participate in the CEQA process as a participant and not just a spectator. By bombarding the public with documents without any hope for a complete review, the Authority has put the public on the sidelines, and due process will be violated should there be no extension.

Rights granted by CEQA must allow the public to have a meaningful review because the Legislature has recognized that "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

CEQA was enacted in 1970 and provides a detailed process for public review. It is a "powerful tool for citizen action and government accountability." Note, The Timber Harvest Plan

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Exemption from the California Environmental Quality Act: Due Process and Statutory Intent, 41 Hastings L.J. 727, 730 (1990). In fact, the purpose of the EIR/EIS is:

"... to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061.

Courts have called the EIR/EIS an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return." *Santiago County Water District v. County of Orange*, 118 Cal.App.3d 818, 822 (1981). To accomplish this purpose, CEQA statutes and regulations require that the public be made part of the process, including:

- Comments be accepted by the public at anytime during the EIR/EIS process (Pub. Res. Code § 21003.1(a));
- The lead agency **must** respond, in writing, to all comments received during the comment period (Pub. Res. Code § 21004);
- Relevant information should be made available as soon as possible to the public (Pub. Res. Code § 21003.1(b));
- Notice must be given to all those who have requested such when the draft EIR/EIS is complete (Pub. Res. Code § 21092);
- Draft EIR/EIS documents should be made available in local libraries (CEQA Guidelines § 15087(g));⁴
- The Public agency must publish notice in a paper of general circulation in the area of the proposed project (CEQA Guidelines § 15087(a));
- Public hearings on the documents are encouraged (CEQA Guidelines § 15087(i)); and

⁴Note that the Technical Appendices to the EIR/EIS, listed as nos. 4-43 on Appendix A, were not made available at local libraries. This is important because the appendices are referenced throughout the EIR/EIS.

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- An adequate public review period is required and can be extended in unusual circumstances (CEQA Guidelines § 15105) (emphasis added).

CEQA regulations take public participation so seriously that the process provides grounds upon which judicial review of the project may be obtained. CEQA Guidelines § 15112.

Because public review and participation is expressly granted by statute and regulation, any review period less than six months raises serious constitutional issues under the circumstances. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review some 17,000 pages of documents associated with the EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature intends for the public to participate in the CEQA process in a meaningful way; in this case, requiring sufficient and adequate time for review. By releasing to the public a large quantity of documents without any hope for a complete much less a meaningful review, the Authority has made the public a spectator, and due process will be violated should there be no significant extension of time to review and comment on the documents.

1. State Constitutional Issues

The CEQA statutes and regulations, as applied, violate California Due Process requirements because the Authority has failed to provide adequate time for EIR/EIS review. In order to remedy the as applied violation, sufficient time to review the EIR/EIS must be granted.

Due process safeguards in this context are analyzed with the principle in mind that all should be free from arbitrary adjudicative procedures. *People v. Ramirez*, 25 Cal.3d 260, 268 (1979). A fundamental concept of due process is "the right to a reasoned explanation of government conduct that is contrary to the expectations the government has created by conferring a special status upon an individual." *Id.* at 276. Here, CEQA statutes and regulations confer a special status on the public by requiring meaningful review; yet the Authority has taken away that right by imposing an unreasonable review period, and providing no explanation therefor.

To determine the level of due process required, courts examine:

1. The private interest that will be affected by the official action;
2. The risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;
3. The dignitary interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible governmental official; and

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4. The governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 269.

The private interest here is compelling; CEQA statutes and regulations mandate that the public be allowed meaningful and adequate review of the EIR/EIS. In this respect, the Legislature has already determined that the public has a significant interest in proper review.

The risk that the private interest will be erroneously deprived is high; in fact it is happening. Although the regulations allow the Authority to declare the most expensive and expensive infrastructure project in the history of California an "unusual circumstance" and provide additional time for public review and comment, the Authority has (so far) failed to do so and without any explanation. In addition, as the Authority is well aware, the review period ends the time that individuals may comment and preserve issues that must be on the record for judicial review. By completing the review period before it is possible for stakeholders to read the documents and provide comments, the Authority is also precluding meaningful review following the final EIR/EIS being issued. Rigid adherence to the 45 or 60 day periods mentioned in Guidelines § 15105(a) therefore guarantees denial of due process for projects of the scope of this EIR/EIS.

The dignity interest weighs heavily in favor of an extension of time. It is inconceivable that the public could be charged with reading and commenting on the EIR/EIS, only to find out that it is impossible to do so because there is insufficient time to read the documents in this case.

Finally, the governmental interest in providing additional time is identical to the private interests. The Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant interest in ensuring that its own statutes and regulations are followed, especially when no fiscal or administrative burdens are involved beyond the passage of time.

As the Federal Railroad Administration is the lead Federal agency designated on the HSR project, the purpose and requirements of the National Environmental Policy Act (NEPA) are also at issue. The purpose of NEPA review corresponds to CEQA review. Congress has declared, "... it is the continuing policy of the federal Government, ... in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." (42 U.S.C. § 4331). Therefore the purposes of NEPA also support the extension requested herein.

Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability (Attny for),
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2. Federal Constitutional Issues

Due process under the federal constitution requires that an entitlement exist under state law. There can be no question that the Legislature has entitled the public to a meaningful and adequate review of the EIR/EIS documents through the CEQA statutes and regulations. It is merely a question of what process is due.

Pursuant to Mathews v. Eldridge, 424 U.S. 319 (1976), to determine what process is due, the state should look at the private interests involved, the risk of an erroneous deprivation and value of additional safeguards, as well as the governmental interest.

Again, the public's interest is high; the public is entitled to a proper review under CEQA but such a review cannot be met in such a short and arbitrary time frame currently established by the Authority. Denial of that proper review, in turn, prejudices the rights of potential litigants who are subject to the exhaustion doctrine. Denial of adequate, proper, and meaningful review stacks the deck in favor of the project proponent, who here is also the reviewing agency. This conflict of interest between the duty of full, objective CEQA review and support of the HSR project is clearly brought out by the denial of a meaningful adequate public review and comment period.

The risk that rights may be erroneously deprived is high. By the Authority arbitrarily setting the review period in this circumstance such that it is impossible for the public to respond, a deprivation is not only possible, but is a certainty where no due process was given in setting the initial review period. As the Authority knows, EIR/EIS challenges must be made on comments lodged during the review period. What the Authority has done is present to the public a large volume of documents such that there is no possibility for all necessary comments to be included in the record, effectively precluding a proper legal challenge to the EIR/EIS documents following a finalization of those documents, and denying access to the courts.

Finally, the governmental interest, as under the state due process requirements, is in concurrence with the private interest. Again, the Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant legitimacy interest in ensuring that its own statutes are followed, especially when no fiscal or administrative burdens are involved.

Here, there has been no due process as to the setting of this review period. The setting of this review period for the same length for a local ordinance reflecting plastic bag usage, without an explanation or an opportunity to be heard and challenge the determination, violates the Fourteenth Amendment of the United States Constitution, as well as the California Constitution. As has been said many times, the fundamental requisite of due process of law is the opportunity to be heard, and

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that right has little reality or worth unless the public is informed and can choose for itself whether to participate. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). In this case, the public cannot know, and can never know under the limited review period what position and comments it should make relating to the EIR/EIS, had it been afforded an adequate review period.

"Due process is flexible and calls for such procedural protections as the particular situation demands." Mathews v. Eldridge, 424 U.S. 319, 334. In this situation, due process calls for a reasonable number of days to review the EIR/EIS and supporting documents. We ask for at least a 180 day review period, for all the reasons stated.

Very truly yours,

GRISWOLD, LaSALLE, COBB,
DOWD & GIN, L.L.P.

By: 
ROBERT M. DOWD

Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability (Attny for),
Wittwer & Parkin LLP, September 15, 2011) - Continued

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APPENDIX A
LIST OF REPORTS
COMPRISING FRESNO TO BAKERSFIELD
DRAFT EIR/EIS
AND SUPPORTING DOCUMENTS

Below is a list of the documents posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS (nos.1-3) and related documents (nos. 4-43), with their page counts. The purpose of the compilation is to show the inequity and lack of due process afforded by the 60 day public review and comment period. Note that item nos. 4 through 43 are posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS and are referred to in the EIR/EIS. However, items nos. 4-43 are not included in the EIR/EIS and are not provided on the EIR/EIS cds given out by the HSRA office in Hanford. Also, items nos. 4-43 are not available with the hard copy EIR/EIS available for public review at the HSRA office in Hanford and at the Kings County Library in Hanford.

1.	EIR/EIS Volume I	1,556
2.	EIR/EIS Volume II	804
3.	EIR/EIS Volume III	940
4.	Transportation Analysis Technical Report Draft 8/11	242
5.	Figures for Chapters 4 and 5 above	199
6.	Appendix A Traffic Counts Data	537
7.	Appendix B Existing Synchro Output	423
8.	Appendices C through E, Future Assumed Improvements et al.	833
9.	Appendices F through I, Future Plus Project Synchro Output et al.	929
10.	Air Quality Technical Report Draft 8/11	168
11.	Air Quality Technical Report Appendix A Construction Emissions	713
12.	Noise and Vibration Technical Report 7/11	424
13.	Hydrology and Water Quality Technical Report 8/11	158
14.	Geology, Soils, and Seismicity Technical Report 7/11	92
15.	Hazardous Wastes and Materials Technical Report 8/11	188
16.	Appendix A Regulatory Database Search Report	4,287
17.	Appendix B PEC Site Summaries w/ Sanborn Map Review	10
18.	Appendix C Historic Topo Maps	168
19.	Appendix C Sanborn Fire Insurance Maps Part 1 of 4	61
20.	Appendix C Sanborn Fire Insurance Maps Part 2 of 4	61
21.	Appendix C Sanborn Fire Insurance Maps Part 3 of 4 (Pt. 4 beg. P. 62)	107
22.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part I	482
23.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part II	344
24.	Community Impact Assessment Technical Report 7/11	578

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25.	Aesthetics and Visual Resources Technical Report 7/11	218
26.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Text Volume 1 of 4	128
27.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendices A through G, I and J, Volume 2 of 4	264
28.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendix H Special Aquatic Resources Survey Results Figures, Volume 3 of 4	528
29.	Potential Jurisdictional Status of Aquatic Features in the Wetland Study Area Volume 4 of 4 6/11	52
30.	Checkpoint A	28
31.	Checkpoint A Letter 12/22/10	2
32.	Checkpoint B Summary Report 3/11	112
33.	Checkpoint B Appendix D Clean Water Act Section 404 Applicability Criteria, Union Pacific Railroad Alignment Alternative 3/11	138
34.	Checkpoint B Appendix E Summary Presentation of Environmental Resources and Constraints for the BNSF, UPRR and BNSF Avoidance Alternative Alignments 3/11	92
35.	Checkpoint B Appendix E-1a BNSF Alternative Alignment	262
36.	Checkpoint B Appendix E-1b UPRR Alternative Alignment	260
37.	Checkpoint B Appendix E-1c 3/11	260
38.	Checkpoint B Appendix E-2a Sheets 1-7	7
39.	Checkpoint B Appendix E-2b Sheets 1-7	7
40.	Checkpoint B Appendix E-2c Sheets 1-7	7
41.	Checkpoint B Letter 4/21/11	62
42.	Checkpoint B Letter 6/2/11	24
43.	Capital Cost Estimate Report 7/11	198
44.	TOTAL PAGES	16,953

Response to Submission 784 (Gary Patton, Citizens for High-Speed Rail Accountability
(Attny for), Wittwer & Parkin LLP, September 15, 2011)

784-1

See MF-Response-GENERAL-7.

Submission 778 (James Janz, Community Coalition on High Speed Rail, August 17, 2011)

communitycoalition
on high speed rail

August 16, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

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RE: Request For Extension of EIR/EIS Comment Period – Central Valley Segments

Dear Mr. Umberg and Board Members:

This letter is our request that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) prepared on both the Fresno to Bakersfield segment and the Merced to Fresno segment of the proposed California high-speed train project. A Draft EIR/EIS for each of these segments was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on these documents must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period. We urge that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are intended to make sure that governmental decisions that might affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting these Central Valley segments of the proposed high-speed train system.

The stakes are very high with respect to the impacts that are likely to be associated with the proposed project. There will be massive impacts on working farms and the local farm economy, all along the route, with associated social and economic impacts; there will be significant air quality, global warming, and transportation impacts; there will be very significant impacts on endangered species and wetlands; there will be very significant impacts on prime agricultural land; there will be significant public health and safety issues, and significant growth-inducing impacts. Furthermore, there are a number of possible alternatives and mitigations that should be considered, and this will require detailed analysis. All of these issues must be addressed thoroughly, and in detail, and the ability of the Authority to do an adequate and required review is directly tied to the quality of the public comment received.

Forty-five (45) days is simply not an adequate time period to allow the kind of public involvement and comment that both CEQA and NEPA require in connection with the environmental review of a project of this extent and complexity. The proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and something like \$6 billion dollars are proposed to be expended on the proposed project between Fresno and Bakersfield. It would be unconscionable for the Authority not to provide at least a ninety (90) day review period.

The Community Coalition on High Speed Rail is a grassroots, non-profit corporation, based on the San Francisco Peninsula, that is working through public advocacy, litigation, and political action to make sure the proposed California High Speed Rail project doesn't adversely affect the economy, environment, or quality of life of California's existing communities. For more information please visit: www.cc-hsr.org

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778-1

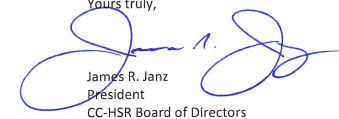
Much of the area within which the project is proposed, within the Fresno to Bakersfield section, is rural and agricultural land. The residents who know the most, and whose comments are going to provide the information that both CEQA and NEPA demand be provided, are largely working farmers and their families. A forty-five (45) day review period, during the months of August and September, comes at a time, both in terms of vacation schedules and the normal course of agricultural operations in the affected area, during which farmers and local residents are *least* able to engage in the comment and review process. In order to allow those most affected with a reasonable opportunity to participate, a ninety (90) day review period is required.

Furthermore, we and others take very seriously the need to bring forth factual materials relating to the adverse impacts that the proposed project is likely to cause. The whole purpose of CEQA and NEPA is to make sure that the decision makers have the best possible information, before making a decision that might adversely affect the environment. In order to be able to have appropriate expert comment, it is absolutely vital that the comment period be extended, as we are requesting.

Again, we urge you, in the strongest terms possible, to extend the review period to provide the public ninety (90) days, not forty-five (45) days, to comment on the potential environmental impacts of the proposed project in both the Merced to Fresno and in the Fresno to Bakersfield section.

Thank you for your positive response to this request.

Yours truly,


James R. Janz
President
CC-HSR Board of Directors

cc: Governor Brown
Members, California State Senate
Members, California State Assembly
Congress Members Eshoo and Speier
Other Interested Persons

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Response to Submission 778 (James Janz, Community Coalition on High Speed Rail, August 17, 2011)

778-1

See MF-Response-GENERAL-7.

Submission 217 (James R. Janz, Community Coalition on High Speed Rail, September 15, 2011)



September 14, 2011

09-15-11P03:03 RCVD

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Extension of Comment Period for Merced to Fresno
And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

217-1

The Community Coalition on High-Speed Rail (CC-HSR) has been closely following the state's proposed high-speed train project, and this letter is to request that the High-Speed Rail Authority take immediate action to provide an adequate comment period for the above-noted environmental review documents. Specifically, we urge the Authority to extend the time to comment on these two EIR/EIS documents until mid February, 2012, thus providing members of the public and those directly affected by the proposed project with at least 6 months to respond and provide comments on the two Draft EIR/EIS documents released by the Authority on August 9, 2011.

Attached is a copy of a letter making an identical request for the Fresno to Bakersfield EIR/EIS, submitted to you by the Griswold LaSalle law firm on behalf of the J.G. Boswell Company. We join in this request, and incorporate the same arguments here. We note that the need for and the justification for a six-month review period applies equally to *both* of the Draft EIR/EIS documents currently open for comment. In fact, since this is a statewide project, which the Authority has chosen to design and review in segments, a competent and truly responsive set of comments on the impacts that will be created on any particular segment must take into account the impacts of the proposed project on other segments. This means that members of the public who want to comment on the Draft EIR/EIS for either of the segments currently being reviewed must take into account the contents of *both* of the Draft documents, as well as the contents of the previously-certified statewide programmatic EIR/EIS. In short, the Griswold LaSalle letter is conservative in stating that members of the public are being asked to review 17,000 pages of technical material, and to provide comments, all within a 60-day period. In fact, the volume of material that must be reviewed is probably close to three times that amount.

As the attached letter convincingly demonstrates, a 60-day comment period is grossly inadequate. CEQA, and the CEQA Guidelines, and basic due process require a much more extensive comment period.

The business and community impacts of the proposed project, on both of these segments, is likely to be extremely substantial, and for knowledgeable business people and residents to be able to make informed and helpful comments – comments that can allow the state to avoid impacts that may, in fact, be avoidable – additional time must be provided. Because decisions made on these segments will impact the San Francisco Peninsula, where many of our most active members and supporters reside, we wish to participate in the process in a positive way. We can't, however, have the kind of positive impact that we would like to

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217-1

have unless we are given an adequate time to review and respond to the complexities of the project as proposed.

217-2

In short, a 60-day comment period does not provide the public with an "adequate" time to comment, and the failure of the Authority to provide an adequate time to comment undermines the integrity of the current environmental review procedure. This means that the residents, business persons, and landowners most directly affected by the proposed project are being denied an elemental due process opportunity to "be heard" before the government takes actions that could have drastic and adverse consequences for both communities and individuals who live along or in the areas affected by both the Merced to Fresno and the Fresno to Bakersfield segments of the proposed high-speed train project.

As CEQA provides, at Public Resources Code Section 21005 (a):

The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

We urge the Authority to take seriously its responsibility to make sure that information about the impacts of the proposed project are truly disclosed to the Authority, as the public agency responsible for making decisions on the project, prior to the time that those decisions will be made. An inadequate comment period will prevent relevant information from reaching the Authority in a timely way, and this would violate the requirements of the law. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution.

217-3

Again, we ask the Authority for a six-month period to comment on environmental review documents for the largest public works project ever proposed in the State of California. Failure to provide an adequate comment period is a violation of both the law and due process.

Very truly yours,

James R. Janz, President
Community Coalition on High-Speed Rail

cc: Members and Supporters, CC-HSR
Governor Jerry Brown
Members, California State Legislature
Other Interested Persons

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Response to Submission 217 (James R. Janz, Community Coalition on High Speed Rail, September 15, 2011)

217-1

See MF-Response-GENERAL-7

217-2

See MF-Response-GENERAL-7

217-3

See MF-Response-GENERAL-7

Submission 731 (James R. Janz, Community Coalition on High-Speed Rail, October 13, 2011)



October 13, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: Merced_Fresno@hsr.ca.gov]

To The California High-Speed Rail Authority:

Following are comments on the Draft EIR/EIS prepared by the California High-Speed Rail Authority for the Merced to Fresno section of the proposed California High-Speed Train Project ("Draft EIR/EIS").

The Authority's current plan for the Merced to Fresno section of the proposed high-speed rail project, irrespective of which alternate routes are selected, would have truly devastating and negative impacts on California's Central Valley. This region's natural environment, agriculture-based economy, and local community quality of life would be profoundly altered.

Both the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") require that the Authority prepare a revised Environmental Impact Report/Environmental Impact Statement ("EIR/EIS"). Such a revised EIR/EIS document must then be recirculated for additional public review comment. Adequate review is essential to making this process work effectively.

Inadequate Comment Period

We reiterate our concern that the 60-day comment period established by the Authority does not provide an adequate time for the public to comment on the Draft EIR/EIS for the Merced to Fresno section. We previously submitted a letter to the Authority on this subject, dated September 14, 2011, outlining why an expanded comment period is required. We hereby incorporate that letter by reference into these comments.

Late Breaking "Revision" Proposal

We note that, on October 5, 2011, only a few days before the current October 13, 2011 comment deadline established for both the Merced to Fresno and the Fresno to Bakersfield sections of the proposed project, the Authority essentially extended the comment period for the Fresno to Bakersfield section, by publishing a Notice stating that a "Revised" Environmental Report for the Fresno to Bakersfield section of the proposed High-Speed Train Project would be released in the spring of 2012, and that the Authority's plan to issue such a "Revised" EIR/EIS will "afford additional time to review the information contained in the current Draft EIR/EIS." We strongly urge the Authority to provide a comparable extension of the comment period for the Merced to Fresno section, in connection with the preparation of a revised EIR/EIS.

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731-1

In essence, the proposed project is "all of a piece," and as the comments in this letter make clear, the current Draft EIR/EIS for the Merced to Fresno section must be significantly revised and recirculated, to comply with the mandates of both CEQA and NEPA.

Comments on the Draft EIR/EIS

There are at least two basic objectives of the environmental review process: (1) to provide governmental agency decisionmakers with the ability to make better decisions by giving them the information to do that; and (2) to inform and engage the public in the decisionmaking process (a purpose which, in and of itself, will help governmental decisionmakers make the best decisions possible).

The current process, and the current EIR/EIS, is deficient on both these counts. The process, and the documents presented to the public, are unclear and confused, and do not provide the public (and affected governmental agencies) with the information necessary to evaluate properly the project proposed, and to comment intelligently on that project. Further, because the current EIR/EIS is incomplete, unclear and unfocused, it is totally inadequate as an informational document for the Authority.

Because of federal funding deadlines, which are demanding that this project be treated as a short-term "job stimulus" project, instead of the 100-year plus public infrastructure project that it actually is, the Authority is being pushed to make far-reaching decisions without adequate information and analysis. The current EIR/EIS clearly reveals that this is so, and this is the opposite of what CEQA and NEPA demand. In order for the environmental process to work as it is supposed to, a stable and accurate "project description" is required. The current document does not provide this, and that means that the current document must be reworked, and recirculated.

We urge the Authority, the Governor, and the State Legislature, to insist on good information, and on full public participation and review. If California hopes to gain the benefits that may flow from the creation of a functional high-speed train, "quick" decisions are not the most important thing to aim for. The "right" decisions are what are needed most. The current EIR/EIS for the Merced to Fresno section of the proposed statewide project reveals that more time and analysis are needed, in order to make it possible for the state to make the right decisions about the proposed high-speed train project.

We specifically urge the Authority to analyze the agricultural land impacts and the growth inducement impacts of the proposed project. No adequate analysis is provided. In addition, both CEQA and NEPA require an adequate analysis of alternatives to the project. The so-called "Program Level" EIR/EIS cannot be relied upon to have handled the "alternatives" analysis properly. It did not do so, and fundamental changes in the routing identified in that Program Level EIR/EIS are under consideration by the Authority. This means, particularly, that a new look at the I-5 corridor is required. The current document is totally inadequate with respect to its examination of alternatives. Real alternatives must be identified and must be studied in a thorough way.

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Submission 731 (James R. Janz, Community Coalition on High-Speed Rail, October 13, 2011) - Continued

Thank you for the opportunity to provide these comments. We will look forward to making additional comments when the Authority has prepared a Revised EIR/EIS for the Fresno to Merced section, as both CEQA and NEPA require.

Respectfully submitted,



James R. Janz
President, Board of Directors

cc: Governor Jerry Brown
Members, California State Legislature
CC-HSR

The Community Coalition on High Speed Rail is a grassroots, non-profit corporation, based on the San Francisco Peninsula, that is working through public advocacy, litigation, and political action to make sure the proposed California High Speed Rail project doesn't adversely affect the economy, environment, or quality of life of California's existing communities. For more information please visit: www.cc-hsr.org. Postal mail may be sent to CC-HSR at: 2995 Woodside Road #400-362, Woodside, CA 94062.

Response to Submission 731 (James R. Janz, Community Coalition on High-Speed Rail, October 13, 2011)

731-1

See MF-Response-GENERAL-7

CEQA and NEPA require recirculation when significant new information has been added to the draft EIR/EIS. Under CEQA, this would mean that there is either: a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (Refer to State CEQA Guidelines Section 15088.5)

NEPA provides that a draft EIS is to be supplemented and recirculated when either the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. (Refer to 40 CFR 1502.9)

None of the conditions that might require recirculation of the draft EIR/EIS has occurred. No new significant impacts or substantially more severe impacts have been identified. The Authority/FRA have refined the mitigation measures set out in the draft EIR/EIS, but have not needed to adopt a feasible mitigation measure that would avoid a new significant effect or reduce a more severe impact. No new feasible alternatives have been presented that would meet most or all project objectives, would reduce significant effects, and are substantially different from the alternatives already considered -- including those alternatives previously considered and not selected for further review (see MF-Response-GENERAL-2 for a discussion of the alternatives selection). The EIR/EIS is supported by voluminous substantial evidence and is not conclusory in nature. Further, it is organized in the standard format for CEQA and NEPA documents and, while large, is organized for ease of review. It was also made available in a searchable PDF version that allows a reader to easily find discussions of interest. For NEPA purposes, there have been no substantial changes to the project. Minor

731-1

changes to the alignment or to its construction reflect refinements that have resulted from continuing project design. As discussed above, although the EIR/EIS has been refined, there are no significant new circumstances or information that would require recirculation.

731-2

See MF-Response-GENERAL-7

Submission 402 (Kari Hawkins, Conservation Resources LLC, August 25, 2011)

Katie Lichty

From: Simmons, Zachary M SPK [Zachary.M.Simmons@usace.army.mil]
Sent: Tuesday, August 30, 2011 2:07 PM
To: 'Kari hawkins'
Subject: RE: California High-speed Rail Authority

Kari Hawkins
Conservation Resources, LLC
3445 American River Dr., Suite A
Sacramento, CA 95864
916-974-3383

Kari,

Thank you for your interest in mitigation for the HST project. At this time, we have not made any decisions on the project in relation to impacts or mitigation. Any meeting to discuss our preferences for mitigation would be pre-decisional and may not apply to the final impact proposal. The Ca High-Speed Rail Authority is working on mitigation plans for the proposed project. Please contact them directly with any proposals that you may have.

Zachary M. Simmons
Biologist / Senior Regulatory Project Manager

U.S. Army Corps of Engineers, Sacramento District, Regulatory Division
650 Capitol Mall, Suite 5-200
Sacramento, CA 95814
916-257-6746; FAX 916-930-5306
Zachary.M.Simmons@usace.army.mil

Please let us know about your experience by filling out our Customer Survey:
<http://per2.nwp.usace.army.mil/survey.html>

For more information regarding our program, please visit our website at:
<http://www.spk.usace.army.mil/regulatory/>

From: Kari hawkins [<mailto:khawkins@conservation-resources.com>]
Sent: Thursday, August 25, 2011 2:15 PM
To: Simmons, Zachary M SPK
Subject: California High-speed Rail Authority

Zachary,

I understand you are the project manager for the California High-Speed Train (HST) projects for the USACOE.

402-1

Conservation Resources, LLC owns and operates the Gill Ranch Conservation Bank and a number of other properties that are available for seasonal wetland and creation and preservation. We have been following the progress of the CA HST projects through Marjorie Eisert of CH2MHill. Conservation Resources is interested in working with the USACOE and California High Speed Rail Authority to find mitigation solutions. Therefore, I would like to meet with you to discuss the targeted species and areas. Could you let me know when you would have time in your schedule for such a meeting with me and a few of my colleagues? Or, if it is easier, you can reply with your phone number and a good time to call you and we can have a quick phone call.

I appreciate your time and assistance.

Regards,

1

2

Response to Submission 402 (Kari Hawkins, Conservation Resources LLC, August 25, 2011)

402-1

Once the project decision is made and the range of mitigation measures are agreed upon by the regulating agencies, such as the USFWS and the USACE, the project proponent, the High-Speed Rail Authority, will be contacting available conservation banks and other interested entities. Your name, address and phone number are already on this list. Thank you for your interest and offer.

Submission 378 (Dale Mell, Dale G. Mell & Associates, September 29, 2011)

Merced - Fresno - RECORD #378 DETAIL

Status : Completed
Record Date : 9/29/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 9/29/2011
Submission Method : Website
First Name : Dale
Last Name : Mell
Professional Title : Land Surveyor
Business/Organization : Dale G. Mell & Associates
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93703
Telephone : 559-292-4046
Email : dale@dalemell.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : where is the proposed alignment for Herndon Avenue at Golden State and Shaw Avenue at Golden State, Fresno, Ca
EIR/EIS Comment : No

378-1

Response to Submission 378 (Dale Mell, Dale G. Mell & Associates, September 29, 2011)

378-1

MF-Response-GENERAL-2.

Submission 678 (Lance Shebelut, Del Shebelut Farms, October 13, 2011)

Merced - Fresno - RECORD #678 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/13/2011
Submission Method : Website
First Name : Lance
Last Name : Shebelut
Professional Title : Partner
Business/Organization : Del Shebelut Farms
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93638
Telephone : 559-352-7300
Email : Lnsfarms@aol.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :
EIR/EIS Comment : Yes

678-1

As a small family farm in the Madera area I feel that my farm is being unfairly hampered in several of the plans. There is a proposed overpass on one parcel that takes a large amount of property as well as making an island that would be impossible to farm efficiently. It crosses another parcel creating another island again making it impossible to farm. We farm permanent planting mostly treefruit which is unusual in Madera county and employ large numbers of people per acre in relationship to other crops farmed in the area. Del Shebelut Farms is also one of the few farms where the majority interest is held by women and I would hate to see a family operation like this which has given so much to the local economy hurt by this project.

Response to Submission 678 (Lance Shebelut, Del Shebelut Farms, October 13, 2011)

678-1

See MF-Response-SOCIAL-1 and MF-Response-AGRICULTURE-3.

Submission 30 (Roger Bazeley, Design Strategy-USA, August 12, 2011)

Merced - Fresno - RECORD #30 DETAIL

Status : No Action Required

Record Date : 8/12/2011

Response Requested :

Stakeholder Type : CA Resident

Submission Date : 8/12/2011

Submission Method : Website

First Name : Roger

Last Name : Bazeley

Professional Title : Transportation Safety/Marketing

Business/Organization : Design Strategy-USA

Address :

Apt./Suite No. :

City : San Francisco

State : CA

Zip Code : 94133

Telephone : 415-673-3652

Email : bazeley@comcast.net

Cell Phone :

Email Subscription : All Sections, Altamont Corridor, Bakersfield - Palmdale, Sacramento - Merced, San Francisco - San Jose, San Jose - Merced, Business/Vendor Opportunities

Add to Mailing List : Yes

30-1

Stakeholder

30-2

Comments/Issues :

30-3

30-4

30-5

The EIR Draft is an incredible well developed document supporting the future need for California and the United States to fund and support the construction and implementation of High-Speed Rail infrastructure in future growth corridors to promote transportation mobility, economic growth, while reducing future congestion impacts. The development of TOD housing and communities will infact reduce and slow the impacts of housing sprawl that reduces prime California agricultural land use and resources vital to California's economy. It is important that the California High-Speed Rail Authority demonstrate the benefits and positive experience in riding a high-speed rail system based upon the examples of established operating high-speed rail systems in Japan, Spain, France, Germany by marketing and visual media to all impacted stakeholders and not just to advocates. The build-out cost will be significant and expand as certain related to the environmental and community stakeholders/legal issues require more expensive infrastructure changes to mitigate such issues as they are recognized. I believe that the Federal government needs to strengthen its support and advocacy for the project to increase jobs, manufacturing, and revenue that will be a result of the construction, implementation, and operation of the California High-speed rail project. I support the Fresno to Bakersfield EIR/EIS statement of impacts.

EIR/EIS Comment : Yes

Response to Submission 30 (Roger Bazeley, Design Strategy-USA, August 12, 2011)

30-1

See MF-Response-GENERAL-9.

30-2

See MF-Response-GENERAL-3.

30-3

See MF-Response-GENERAL-9.

30-4

See MF-Response-GENERAL-18. Cost will be one of several factors in selecting the preferred alternative. See Chapter 6, Section 6.1 in the Draft EIR/EIS for a discussion of the selection criteria.

30-5

See MF-Response-GENERAL-9 and MF-Response-GENERAL-11

Submission 52 (Roger Bazeley, DesignStrategy-USA, August 24, 2011)

Merced - Fresno - RECORD #52 DETAIL

Status : No Action Required
Record Date : 8/24/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 8/24/2011
Submission Method : Website
First Name : Roger
Last Name : Bazeley
Professional Title : Transportation Safety/Marketing Consultant
Business/Organization : DesignStrategy-USA
Address :
Apt./Suite No. :
City : San Francisco
State : CA
Zip Code : 94133
Telephone : 415-673-3652
Email : Roger.Bazeley@comcast.net
Cell Phone :
Email Subscription : All Sections, Business/Vendor Opportunities
Add to Mailing List : Yes

52-1

Stakeholder
Comments/Issues :

After returning from 2 weeks of riding, photographing, and researching the rails of Japan Railway's different lines and levels of rail including the "750N Series Bullet Train" from Tokyo Station, the NEXT Airport Express from Tokyo to Narita Airport , the Intercity line for Corfu City to Shinjuku, local lines to various sites, and various subways---- I was amazed at the speed, efficiency, quality of ride, noise suppression, seating comfort, and immaculately clean equipment. At Tokyo Station crews of cleaners stood at near attention as the "Bullet Trains" arrived and off-loaded their passengers, at the ready to clean everything before the next departure time of the train. When I returned to San Francisco after 20 hours of travel and boarded the BART line at SFO to downtown San Francisco, I was shocked at the filthy uncleaned worn-out interior, the extremely high levels of noise db, and the rough track ride compared to any thing I experienced in Japan----it was a truly shocking comparison, which leads me to wonder even if we build advanced HSR will we be able to maintain it to sustain appreciative repeat ridership.

52-2

The way to best utilize the tremendous expense and speed of building a "Bullet Train system" in an area like California and other areas of the US is to connect high density metropolitan urban centers, inconsideration of also including future "smart growth areas" in the overall route/alignment plan of a system. Airports are generally linked to nearby urban areas by less expensive intercity rail, subways, or other lines interconnected at planned transportation hubs. That is not to say that it would be nice to connect airports to a HSR system, but too many stops will reduce the travel speed and time benefit related to the much higher cost of building, maintaining, and operating a truly high-speed "Bullet Train" that can reach speeds of 230 KL. The advantage of picking stops at major urban areas is the ability to offer alternative to regional or short range airline flights as well as an alternative to driving.

52-3

One example is the limo bus ride on Friday night from Narita Airport to Downtown Tokyo which can take between 2-3 hours as compared to an hour or so taking the NEXT JR Rail line with guaranteed arrival to and from the Narita Airport. I believe that the homogeneous behavior pattern of efficiency and respect toward their amazing rail system supports and is responsible for the efficiency and clean quality of the entire rail system. I am not sure if we can afford the cost of building the California High-speed rail without connecting multiple major urban centers from Sacramento to San Diego, designing the fastest most advanced system with cutting edge design and comfort at near competitive fares with various competing airlines and "last mile" connectivity to places of business, work, and residence. I support and look forward to the eventually build-out and success of the California High-speed Rail project. In the meantime I will continue to ride the high-speed rails of Japan and Europe with great pleasure and marveling at the constantly improving application of cutting edge technology and industrial design. All aboard!

EIR/EIS Comment :

No

Response to Submission 52 (Roger Bazeley, DesignStrategy-USA, August 24, 2011)

52-1

Section 2.2.9, Maintenance Facilities, in the Final EIR/EIS describes the different maintenance facilities and activities that would be in place to ensure continued maintenance of the tracks, right-of-way, and train sets. As noted in subsection 2.2.9.2, HST Heavy Maintenance Facility, periodic inspections of trainsets would be part of the planned preventive maintenance program and would include examination of the passenger environment. The planned life cycle maintenance program would include overhauls on each trainset every 7 to 10 years and mid-life overhauls on each trainset every 15 to 20 years.

52-2


As described in Section 2.1.1, California HST Project Background, in the Final EIR/EIS, the statewide HST System would connect the major population centers of Sacramento, the San Francisco Bay Area, the Central valley, Los Angeles, the Inland Empire, Orange County, and San Diego. As described in Section 2.2, HST System Infrastructure, in the Final EIR/EIS, the HST System would be a state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology, which would include the latest technology safety, signaling, and automated train-control systems. The trains would be capable of operating at speeds of up to 220 mph, and would provide nonstop service travel time between San Francisco and Los Angeles in 2 hours and 40 minutes, as required by Proposition 1A. The HST System would provide lower passenger costs than travel by air for the same city-to-city markets.

52-3

See MF-Response-General-9

Submission 634 (Diana Thomas, Diana Thomas Recycling, October 12, 2011)

Comment Period Extended to October 13, 2011 **RECEIVED** 10-12-11 11:46 RCVD **El período a hacer comentarios está prolongado hasta del 13 de octubre de 2011**

 **CALIFORNIA High-Speed Rail Authority** **Comment Card Tarjeta de Comentarios**

Merced to Fresno High-Speed Train Section **Tren de Alta Velocidad Sección Merced a Fresno**
Draft Environmental Impact Report/ **Anteproyecto del Informe de Impacto**
Environmental Impact Statement (EIR/EIS) – **Medioambiental/Declaración de Impacto**
Public Hearings **Medioambiental (EIR/EIS) - Audiencias Públicas**
September 2011 **Septiembre 2011**

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

* **Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. El período a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. no se responderá en el EIR/EIS final.

Name/ Diana Thomas Organization/ Diana Thomas Recycling
 Nombre: Diana Thomas Organización: Diana Thomas Recycling

(Optional/Opcional) Address/Domicilio: 24200 Santa Fe Drive Phone Number/ 559 674-3755
(no mail) Número de teléfono: 559 674-3755

City, State, Zip code/ Ciudad, estado, código postal: Chowchilla CA Email address/ dthomasrecycle@yahoo.com
 Correo electrónico: dthomasrecycle@yahoo.com

634-1 I am certified by the State of California to operate a recycling center at this location which is right next to the Santa Fe tracks. I have operated at this location for more than 10 years. My property includes nearly an acre with a 6400 sq. ft. warehouse and a telecom building. I understand that this High Speed Rail route would wipe out my property completely. My lifestyle would be compromised as this is my only source of income and at my age + health, replacing it is very unlikely. In addition it would destroy my neighborhood. We in "Sharon" are a close group and would be devastated by HSR here. Diana Thomas

Response to Submission 634 (Diana Thomas, Diana Thomas Recycling, October 12, 2011)

634-1

See MF-Response-GENERAL-10, MF-Response-GENERAL-14, MF-Response-SOCIAL-1, and MF-Response-SOCIAL-4.

Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011)

RECEIVED

10-12-11A09:53 RCVD

Domingos Ribeiro Dairy
12718 Avenue 25
Chowchilla, CA 93610
(559) 665-2640

October 10, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814

Re: Opposition to California High speed Rail Project

631-1

The DEIR/S fails to accurately and adequately describe and evaluate the proposed interchange, rail route, in or about the area of avenue 25 between road 12 and 13 in Chowchilla, CA and redirecting avenue 25 through our dairy operation, located in this area and the impact on this dairy owner/operator and the impact on other dairy operations in this location. It is apparent that they consider any and all dairies under NEPA as a negligible impact and CEQA considers it less than significant. This opinion does not accurately and adequately describe dairy facilities and their significance.

The proposed change of this route from open land and orchards and near an existing county road (note original rail route was east of road 13) will split this dairy facility. After the redirecting of Ave. 25 it will split this facility in half again creating 4 triangle parcels of land. The milk barn, lagoons, free stalls, silage pits, commodities barn, hay barns are in the route of rail and roadway. When these facilities are removed, **MY DAIRY WILL NOT BE OPERATIONAL. I WILL LOSE MY DAIRY.** The dairy operation cannot be salvaged due to the rail and roadway dissection and I foresee it could never be permitted again with the relocation of the affected structures and lagoons. Even if it could, the reduction of herd size caused by lost acres would make this facility unprofitable.

Page 1 of 7

631-1

The alternative routes that would have minimized the impact on this dairy facility and other dairy operations in area appear to be of less importance to the rail authority at this time. If this route or an adjusted route is chosen my dairy facility will be impacted greatly.

631-2

The area of interchanging the N/S rail and E/W rail will have the most impact, no matter where it is placed. It is noted that neighboring facilities of the proposed interchange severity appears less and possibly could remain operational. It is noted a maintenance facility is also proposed in this area. The realignment of AVE 25 would give the High Speed Rail Authority greater access to the proposed maintenance yard. The impact of the farmers, residences that uses avenue 25 as an access route appears to be minimized, but they will be greatly impacted daily. The only benefit of HSR to the residences of Chowchilla and Madera County is in the placement of the maintenance facility in the area. Without the facility in this area, the community would lose jobs after the initial construction. The farming and dairy employment would have already been lost due to the placement of the rail.

631-3

The DEIR/S does not accurately and adequately speak to the **total replacement compensation of dairy facilities** (buildings, barns, lagoons, corrals, stalls, scales, homes, use permits, air quality permits, land use plans and management to comply with federal, state and county boards, requirements and regulations, water quality and waste water permits, environmental reports, building permits, relocation costs, loss of production due to moving to another facility, injured animals or aborted calves caused by relocating, not limited by this example list). The DEIR/S does not accurately and adequately speak to the permitting process and if there are any agreements with the county, water quality board, and air quality board, etc. to fast tract the permitting process. Nor does it accurately and adequately speak to the increased construction costs, delays, etc., due to area construction workers who are employed by the HSRA. The DEIR/S does not accurately and adequately speak if they (HSR) are willing to wait until a facility can be permitted, built or purchased before they require one to vacate. The DEIR/S does not accurately and adequately speak to the loss of revenue due to this event.

The DEIR/S does not accurately and adequately speak to impact of our second facility. If the first facility is forced to relocate, the new location would need to remain relatively close and accessible to the second facility.

The DEIR/S does not accurately and adequately speak to the issues of failure to be compensated to be totally whole. Our second dairy facility is supported financially from the income produced by the impacted facility on avenue 25. With interruption in this support the second facility will be **bankrupt**. In this event 14 permanent employees will be unemployed and 5 to 8 part time contract employees will be displaced and lose the income that they receive from me. Also the livelihood of the owner, spouse and children will be lost. My mother in law will be affected due to a long term payment contract for cattle that I owe her and this being her main source of income.

Page 2 of 7

Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

- 631-3 | Also it is expected that the financial institution will be less likely to finance both operations due to the collateral of the first facility is in jeopardy. Scheduled improvements on these facilities are now being delayed due to uncertainty of the effects of the HSRA. These improvements would lower my operational cost.
- 631-4 | The DEIR/S does not accurately and adequately speak to the tax liabilities' (foreseen or unforeseen tax liabilities, federal and state income tax, sales tax, Williamson act liabilities, capital gain taxes, local taxes, property taxes, etc.). DEIR/S does not accurately and adequately speak to taxes caused by the rezoning in this area.
- The DEIR/S does not accurately and adequately speak to the impact to local businesses in the community from the loss of purchases/revenue from this dairy owner and employees or any other who is forced out of business. The losses of commodities haulers/truckers, dairy suppliers, hay brokers and other farmers. Losses of local schools and community tax revenue and charitable contributions.
- 631-5 | **OTHER NOTED IMPACTS**
- The DEIR/S does not accurately and adequately speak to the impact to the wildlife of ASH SLOUGH. It does not accurately and adequately note the dens and nesting area of various types of birds (hawks, owl, robins, sparrows, doves, quail, pheasant, etc.), types of animals (foxes, coyotes, rabbits, mice, etc) and insect.
- The DEIR/S does not accurately and adequately speak to the impact of residences and others who enjoy viewing the existing wildlife.
- 631-6 | The DEIR/S does not accurately and adequately speak to the impacted views of the area blocked by overpasses, fences and elevated rails and roads.
- 631-7 | [REDACTED]
- 631-8 | The DEIR/S does not accurately and adequately speak to the impact to flood threat of the Ash Slough, the diversion of the flood water to another slough, (to save the interchange) and impact of flooding another area.
- 631-9 | The DEIR/S does not accurately and adequately speak to the impact traffic safety concerns of unaligned roads in fog, rain or icing conditions. The DEIR/S does not accurately and adequately speak to the impact of roadways due to increased traffic in the movement of heavy oversize farm equipment from ranch to ranch (especially in inclement weather). The DEIR/S does not accurately and adequately speak to the impact of approved oversize routes.

631-10 | **OTHER ISSUES OF DAIRIES THAT DEIR/S DID NOT ACCURATELY AND ADEQUATELY SPEAK TO:**

The DEIR/S does not accurately and adequately speak to the impact of any and all dairies in the close proximity of the route and rails. Issues directly related to dairies that need to be accurately and adequately addressed and will be an issue if a nearby alternative route is chosen near my dairy. The issues are not just limited to this listing.

HERD/ANIMAL HEALTH:

Transfer of air borne diseases that could be moved from the vacuum and turbulence of the high speed train, traveling miles down the track affecting neighboring herds. Increased treatment, drug cost, production and animal loss will occur.

The frightening and scaring of animals by passing train noise, vibration, turbulence causing scampering, running, crowding, restlessness, loss of production, lameness and injuries.

The long term effects of constant lighting of rail route disturbing animal rest, causing loss of production, longevity and lameness of animals.

Their study was insufficient as it did not simulate the vibration, turbulence, noise and frequency of the passing train to a controlled test herd for a period of time (day, month, year or years). DEIR/S does not speak to the effects of static electricity or stray voltage from the rail system to herd life. DEIR/S does not accurately and adequately speak surges in power that would cause variation in vacuum levels that would cause mastitis, increase in somatic cells and mycoplasma (caused by stress and rapidly spreads). This would directly result in loss of production and loss of animals. **High power transmission line has already been proven to cause loss of production and aborted calves and other herd related issues in southeastern Idaho, and the affected dairy at this site was closed. The court awarded this dairy a settlement.** DEIR/S failure to do a controlled study did not address the long lasting effects of the train to animal health. A study would have also revealed any unforeseen health concerns. DEIR/S does not speak to effects of the herd health during construction (dust, noise etc).

LAGOON and MANURE MANAGEMENT:

Damage to lagoon from vibration that cause cracks and leaks that could contaminate ground water and flood neighboring fields. Pipelines damage from vibration that distributes lagoon water to fields. DEIR/S does not speak to the replacement of a cement pipeline to a more durable flexible type.

Manure distribution to fields, additional mileage, fuel, carbon/air pollution, labor to go around tracks and crossing of structures (i.e. road ramps and barriers) that block access to adjacent fields. This will result in approximately 3000 additional miles for the manure spreader trucks.

Manure fire caused by stray sparks, statics electric fire, fires caused by internal combustion from the friction of the manure movement caused by the train vibration (note dry manure is piled for spreading).

DEIR/S does not accurately and adequately speak to the cost of replacing and rewriting lagoon management plans and permitting, due to the reduction of acres included in the plans.

Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

631-10

FEED and SILAGE:

DEIR/S does not accurately and adequately speak to additional mileage of commodity or hay delivery trucks and silage trucks (over 4000 additional miles annually from silage trucks from my adjacent fields alone). Nor does it speak to impact of air pollution (carbon emissions) and annual cost due to the increased transportation mileage. DEIR/S does not accurately and adequately speak to the additional mileage for silage transportation from neighboring farms to dairy facility and availability of the commodities due to the loss of nearby production acres. DEIR/S does not accurately and adequately speak to fire hazard to stored dry matter (hay, grains etc) from static electricity and jumping and arc created by passing trains and vibration.

631-11

PLANTS and CROPS:

DEIR/S does not accurately and adequately speak to loss of production acres of crops that changes carbon dioxide into oxygen (Corn, hay, winter forage, and Sudan grasses that provide year long exchanges). DEIR/S does not accurately and adequately speak to green house effects, wind turbulence damage and insect migration and controls affected by the train (burning of plants and freezing of plants). DEIR/S does not accurately and adequately speak to overpasses and berms that changes wind current, blocking of winds that causes trapping of heat in summer (burning of plants) and causes drop in temperature in winter (freezing of plants). DEIR/S does not accurately and adequately speak to the fire hazard of curing hay from a passing train sparks and static electricity. DEIR/S does not accurately and adequately speak to insect controls, spraying limitation and drifting factors, migration that causes crop damage. Note corn requires aerial spraying. DEIR/S does not accurately and adequately speak herbicide applications to control weeds. Nor does it accurately and adequately speak the spread of the nuisance plants and weeds carried by the train, turbulences and winds. DEIR/S does not accurately and adequately speak turbulence blowing the crop down.

631-12

FACILITY, BARNS, CORRALS and EQUIPMENT (pumps, motors, coolers, etc):

DEIR/S does not accurately and adequately speak to stress and damage caused by vibration, electrolysis. Nor does it speak to the possibility of electricity jumping from train transmission lines to metal corrals, static electricity transference causing a shock hazard to livestock and humans. DEIR/S does not accurately and adequately speak to surges in electricity caused by passing trains demands that causes equipment wear and failure. DEIR/S does not accurately and adequately speak to demands on transmission lines, power plants and reduction in available power that supplies this facility operation. DEIR/S does not accurately and adequately speak to loss of milk, animals, crops and production caused by this equipment failure.

Page 5 of 7

631-13

WATER SYSTEM and WELLS:

DEIR/S does not accurately and adequately speak to affects of static and arcing electricity to the atmosphere, animals, humans, environment and ground. The DEIR/S does not accurately and adequately speak to static interference to electronics, IE computers, motors, relay circuitry, televisions, telephone, cell phones, etc.

The DEIR/S does not accurately and adequately speak to damage to wells, well casing and seals due to the vibration and electrolysis. The seal failure could cause contamination to the ground water. The DEIR/S does not accurately and adequately speak to the created berms for rail and roadway that would reduce or block natural drainage. These berms would cause the water to raise to the level that water in the event of a flood to rise above the well head and contaminate the ground water. The DEIR/S does not accurately and adequately speak to flood zones and it impacts. The DEIR/S does not accurately and adequately speak to fresh water system of dairy operation and residences and its effects of vibration, electrolysis, increased wear etc. The DEIR/S does not accurately and adequately speaks to irrigation pipelines, water flow, drainage systems, tail water recycling interrupted by berms of rail and road way. The DEIR/S does not accurately and adequately speak to the increase of stagnant water that would be breeding ground of mosquitoes, flies, etc., due to interrupted natural drainage. The DEIR/S does not accurately and adequately speak to the irrigation distribution and return systems, pipelines, canals, ditches, water flows and the effects caused by HSR vibration damage, interruption in flow, blockage and could cause flooding, etc. The DEIR/S does not accurately and adequately speak to having the interrupted system engineered and replaced and it incurred cost.

631-14

IMPACTS TO FARM/ DAIRY EMPLOYEES:

The DEIR/S does not accurately and adequately speak to increased mileage traveled to work and/or residences due RAIL, road blockage and limited access routes. The DEIR/S does not accurately and adequately speak to emergency services delays. The DEIR/S does not accurately and adequately speak to employees housing that may be eliminated due to this project. The DEIR/S does not accurately and adequately speak to lost jobs of these employees.

NOTED THIS IS A LIMITED LISTING OF ISSUES THAT WAS NOT ACCURATELY AND ADEQUATELY SPOKE TO, AS THE REVIEW PERIOD OF THE DEIR/S (OVER 20,000 PAGES) WAS LIMITED.

631-15

The DEIR/S does not accurately and adequately speak to the HSRA misleading the public that their rail would follow the existing railways and highways corridor in close proximity (within 100 feet or less) and down HWY 152 center. In reality, it appears it had and has no intent with the proposed routes a mile or miles away from the traffic corridors.

Page 6 of 7

Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

- 631-16 | The DEIR/S does not accurately and adequately speak to the impact HSRA inaccurate cost for such project and the need for subsidy and to make this an alternate form of transportation.
- 631-17 | The DEIR/S does not accurately and adequately speak to the impact of AMTRACK, bus lines and other forms of transportation that exists.
- 631-18 | The DEIR/S does not accurately and adequately speak to the impact or migration of population growth in the San Joaquin Valley (water, food, housing, urban sprawl, electricity, pollution etc.)
- 631-19 | **The DEIR/S does not accurately and adequately speak to the fact the public was unaware when they voted on this bond measure and the impact of the HSR**
- The DEIR/S does not accurately and adequately speak to fact that it appears that the HSRA took advantage of the public during the recessed economy and construction was slow, and the public was short sighted. The DEIR/S does not accurately and adequately speak to the fact that the finding of this draft should explore less harmful options and less expensive options.
- The DEIR/S does not accurately and adequately speak to the fact that DEIR/S is being expedited to secure federal funding without accurately and adequately conducting controlled studies and its impact.

Domingos Ribeiro & Nellie Ribeiro

Response to Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011)

631-1

See MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-6. During preparation of the Final EIR/EIS, the Authority reconsidered relocation of Avenue 25, and the project has now changed in this area. The relocated Avenue 25 no longer crosses the commenter's facility. The HST alignment (UPRR/SR 99 with Ave 24 Wye and West Chowchilla design option, and Hybrid Alternative with Ave 24 Wye) is on the same alignment, which causes impacts to the facility as disclosed in the EIR/EIS. However, the extent of project impacts to this facility has been greatly reduced by changing how Avenue 25 is relocated. See Volume III for the plans of the HST alignment.

631-2

See MF-Response-GENERAL-15 and MF-Response_GENERAL-16.

631-3

See MF-Response-SOCIAL-1, MF-Response-AGRICULTURE-6, and MF-Response-AGRICULTURE-1.

631-4

See MF-Response-SOCIAL-1, MF-Response-SOCIAL-3, MF-Response-SOCIAL-5, MF-Response-SOCIAL-8,, MF-Response-AGRICULTURE-7, and MF-Response-LAND USE-2. Section 3.12.5 provides information on the property tax and sales tax revenues during construction and operation. Sections 3.12.5 and 3.19.5 provide information on the economic benefits of the HST including employment.

631-5

See MF-Response-BIO-2.

Ash Slough is addressed in both the Draft EIR/EIS and Biological Resources and Wetlands Technical Report. In the Technical Report, Table 4-2 (Natural Watercourses in the Wetland Study Area) characterizes the habitat elements that comprise Ash Slough. Ash Slough is discussed in considerable detail within the wetland study area. Ash Slough is identified as to it being a part of the regional Essential Connectivity Areas and it is also identified as it relates to the ECA along the BNSF alignment.

631-5

All plant community and habitat types that exist at Ash Slough and occur within the construction footprint have been categorized and included with the impact acreages for terrestrial and aquatic habitats, special status species habitat and waters of the United States and wetlands.

631-6

See MF-Response-VISUAL-1.

631-7

See MF-Response-CULTURAL-3

631-8

See MF-Response-WATER-3. Methods for evaluating potential impacts to hydrology and floodplains are described in EIR/EIS Section 3.8.3.1, Methods for Analyzing Study Area Impacts.

631-9

With regard to traffic safety due to fog, see MF-Response-S&S-2.

As presented in Section 3.2.5 of the EIR/EIS, based on existing field traffic counts of similar roadways and information from local agencies, the traffic volumes on these local roads are generally less than 500 vehicle per day. Because most detours are limited and because few travelers are affected, only small effects to traffic circulation are expected as a result of the closures and diversion of traffic.

Grade separations are designed using the recommended maximum grade of 4 percent. These grades would work for farm equipment and truck traffic.

Information on oversize/truck routes is presented in Section 4.2.3 of the Transportation Technical Report.

631-10

See MF-Response-AGRICULTURE-6, MF-Responses-AGRICULTURE-2, MF-Response-AGRICULTURE-4, MF-Response-AQ-4, MF-Response-NOISE-5, MF-Response-

Response to Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

631-10

NOISE-1, and MF-Responses-PUE-3.

631-11

With regard to changes in greenhouse gases resulting from farmland losses (i.e., loss of carbon sequestration capacity), the evidence does not suggest that annual croplands are a net carbon “sink.” The increase in biomass stocks from annual crops can be assumed equal to biomass losses from harvest and mortality in that same year, resulting in no net accumulation of biomass carbon stocks (IPCC, 2003). There does not appear to be a net benefit of preserving croplands for the sake of increased biomass carbon stocks. In addition, farming operations would result in additional greenhouse gas emissions (e.g., from operating farm equipment, crop transport). To some degree, orchards and vineyards provide longer-term carbon sequestration, primarily during the active growing periods (IPCC, 2003). Although existing biomass (sequestered carbon) would be removed, the loss of a mature orchard or vineyard is not expected to result in the loss of carbon sequestration services.

With regard to microclimate effects – the potential for project features to change wind currents, trap heat, or create cold pockets – the Authority and FRA agree that overpasses and berms may create “sheltered” areas that would modify the microclimate in immediately adjacent areas. Sheltering effects on crops would likely be similar to effects from a high density (i.e., low permeability) windbreak, and those effects have been investigated over many decades. Changes to temperature, humidity, and plant-water relations may be possible, depending on location, orientation of the windbreak with respect to prevailing winds, height of windbreak, crop type, and soils. The degree of sheltering is typically defined in relation to the height of the “windbreak,” and impermeable windbreaks (i.e., such as a berm) obstruct and deflect air flow to create a small, sheltered zone close to the windbreak (up to 10 times the windbreak height) before turbulent wind eddies contact the ground (Nuberg 1998); and the greatest sheltering would occur on the leeward side of the windbreak. Most wind break effects that have been reported are beneficial and include increases in yield associated with the “shelter effect”—defined as the enhanced yield of a crop grown in the sheltered microclimate created by a windbreak (Cleugh 1998; Nuberg 1998; Heiligmann, R.B. 2006; Campi et al. 2009). Positive effects that have been reported include:

631-11

- Decrease in wind erosion and topsoil loss
- Improved crop water use efficiency, due to reduced evapotranspiration with reduction in turbulent transfer of heat and water vapor from plant leaves.
- Reduced cold stress (from winds associated with cold fronts);
- Reduced mechanical damage from winds;
- Reduced evaporation from soil, and maintenance of available soil moisture for crop growth

The absolute effects – whether positive or negative – are hard to predict and could depend on location and seasonality (e.g., with variable weather among years, by crop grown and growth stage of individual crops, etc.). For example, small temperature increases could be beneficial in years with below-average temperatures, but potentially harmful in years with above-average temperatures. Whether or not there could be any detrimental effects on crop growth resulting from microclimate effects from HST overpasses and berms is uncertain but would likely not be substantial. Increases in temperature within the sheltered zone have been reported, but magnitude of temperature change is rarely more than 2 degrees (Nuberg 1998), which would be unlikely to cause burning of plants. The prevailing wind direction in the vicinity of the Merced to Fresno HST Project is from the northwest. The HST alignment would provide some degree of shelter from winds, and greatest effects would be expected where the track orientation is perpendicular to the direction of wind flow. For example, if prevailing winds are from the west, then an east-west HST alignment (i.e., along the wyes or the Mariposa/Mission design options) would not provide a barrier air flow.

As shown in design drawings provided in Volume III, new roadway crossings over the alignment would be up to 30 feet high; embankments would have 2:1 slopes or flatter. Therefore, adjacent crops would be greater than 60 feet from the top of the embankment at its highest point. As mentioned previously, maximum sheltering occurs within a distance of up to 10 times the height of a windbreak (Nuberg 1998); therefore, some degree of sheltering effects might occur within a distance of up to 300 feet from the top of the roadway embankment, and much of this area would not be cropped. Whether sheltering effects would be beneficial, as has been reported, or would be detrimental, isn't known with certainty, but empirical evidence suggests that effects would be negligible. For example, crops are successfully grown in areas adjacent to very large levees in the Delta, and there is no evidence to suggest that these levees create

Response to Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

631-11

microclimates that result in crop yield reductions.

With regard to fire hazards on nearby farmland (e.g., where hay is being cured), any potential ignition of vegetation would be caused by sparks, but any sparks generated at the pantograph/catenary interface would not travel more than a few inches. Therefore, there is no fire risk.

With regard to spraying pesticides and herbicides, see MF-Response-AGRICULTURE-5. The discussion of induced winds in this master response also addresses the comment regarding turbulence and blowdown effects.

With regard to the spread of nuisance plants and weeds, this was studied in the Draft EIR/EIS – see Draft EIR/EIS page 3.7-73 in the bullet item “Other Project Period Environmental Effects.” Maintenance vehicles and/or crews, train turbulence, and winds may potentially introduce noxious plants and weeds. The timeline for invasive weed management within the Action Area will be in both the construction and project operations period in accordance with guidelines specified within Bio MM#4 Prepare and Implement a Weed Control Plan. To minimize the creation of open, disturbed soils that the majority of invasive, non-native weeds prefer, disturbance zones will be revegetated after the cessation of ground-disturbing activities.

631-12

See MF-Response-AGRICULTURE-6 and MF-Response-PUE-3. Vibration effects are discussed in Section 3.4 (Noise and Vibration) and electromagnetic interference is discussed in Section 3.5 (Electromagnetic Field and Electromagnetic Interference). Electrical distribution lines associated with HSR will be grounded in accordance with the National Electric Safety Code.

631-13

With regard to damage to wells, well casings, and seals due to vibration and electrolysis, there would be no vibration effects on a modern, well-balanced well pump – see MF-Response-NOISE-5. No “electrolysis” impacts are anticipated as a result of the HST Project - see discussion of negligible intensity of impacts from stray currents and design standards in Chapter 3.5 (Electromagnetic Fields and Electromagnetic Interference).

631-13

With regard to the various comments addressing impacts to drainage patterns and floodplains, see MF-Response-WATER-2 and MF-Response-WATER-3. Drainage from the HST system would be contained within the HST right of way (see Stormwater Management Plan), and would not cause offsite impacts or create areas of stagnant water.

With regard to irrigation pipeline and similar infrastructure impacts, see MF-Response-AGRICULTURE-4. During the acquisition process, altered or replaced infrastructure would be properly designed and engineered.

631-14

See MF-Response-GENERAL-4, MF-Response-GENERAL-7, and MF-Response-S&S-3.

631-15

See MF-Response-GENERAL-2.

631-16

See MF-Response-GENERAL-18.

631-17

See MF-Response-TRAFFIC-4.

The proposed project effects on buses and other transportation modes are included in Transportation Section 3.2.5.3.

631-18

See MF-Response-GENERAL-3.

631-19

See MF-Response-GENERAL-1.

The comment is incorrect regarding the information available about the potential effects

Response to Submission 631 (Domingos and Nellie Ribeiro, Domingos Ribeiro Dairy, October 12, 2011) - Continued

631-19

of the project at the time that Proposition 1A was passed and about the purpose of this project-level EIR/EIS. Proposition 1A was considered and passed by California voters in November 2008. This was over three years after the system-wide Program EIR/EIS was completed and the general impacts of the system were disclosed. The purpose of the M-F EIR/EIS is to disclose to decision-makers and the public the potential significant effects of this section of the HST System project. The section-specific impacts could not have been provided to the public in 2008 because the M-F section was still conceptual and had not been designed at that point.

Submission 618 (Domingos & Nellie Ribeiro, Domingos Ribeiro Dairy, October 13, 2011)

Merced - Fresno - RECORD #618 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/13/2011
Submission Method : Website
First Name : Domingos & Nellie
Last Name : Ribeiro
Professional Title : Owners
Business/Organization : Domingos Ribeiro Dairy
Address :
Apt./Suite No. :
City : Chowchilla
State : CA
Zip Code : 93610
Telephone : 559-665-2640
Email : dribleirodairy@yahoo.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

Domingos Ribeiro Dairy
 12718 Avenue 25
 Chowchilla, CA 93610
 (559) 665-2640

October 12, 2011

Merced to Fresno HST Environmental Review
 770 L Street
 Suite 800
 Sacramento, CA 95814

618-1

Opposition to California High speed Rail Project
 Addendum to Impact to my AVE 24 WYE or other proposed routes that impact my facilities.

After continuous review of the DEIR/s, I noted the CEQA and NEPA attempts to minimize the impact and value of a dairy facility. The acres, water system, free stalls, corrals, lagoons, silage pit, flush system, calf barns, hay barns, milk barn, milk and water tanks, milking equipment, commodity barns, scales, grading, electrical supply, permits, homes, moving expenses of cows, feed, loss of production etc., I estimate the replacement cost to be well over 10 million dollars and could be millions more. Due to the fact, I was just made aware of the proposed route, I was unable to acquire estimates prior to this draft.

618-2

The DEIR/S and HSRA did not notify me of the changes of their original proposed route. My native language is Portuguese and no mailing or information was provided to me in language that I read, write and speak. I do not read English and understand minimal English. The DEIR/S appears to attempt to minimize the objection and concerns and responses, by not notifying the affected property owners of the proposed changes individually. As I did not know the process and still have limited knowledge of the proposed routes, the HSRA should have acted responsibly to contact property owners, not just do a drive by or fly by. They made the bare minimum public notices to minimize the responses and public knowledge of the route of the HSR. Due to these facts, I did not have adequate time to review and respond to all the facts.

618-3

The DEIR/S was negligence in not obtaining estimates, replacement cost values or general appraisals near the proposed route of the property, facilities, ranches, residences, factories, and businesses, and would have increased the impact that is reported on the DEIR/S. This would have more accurately described and addressed the value and impact. They do not even accurately note that the loss or reduction of a dairy facility impacts the local economy.

Domingos Ribeiro & Nellie Ribeiro

Domingos Ribeiro Dairy
 12718 Avenue 25
 Chowchilla, CA 93610
 (559) 665-2640

October 12, 2011

Merced to Fresno HST Environmental Review
 770 L Street
 Suite 800
 Sacramento, CA 95814

Submission 618 (Domingos & Nellie Ribeiro, Domingos Ribeiro Dairy, October 13, 2011) - Continued

Opposition to California High speed Rail Project.
Addendum to Impact to my AVE 24 WYE or other proposed routes that impact my facilities.
After continuous review of the DEIR/s, I noted the CEQA and NEPA attempts to minimize the impact and value of a dairy facility. The acres, water system, free stalls, corrals, lagoons, silage pit, flush system, calf barns, hay barns, milk barn, milk and water tanks, milking equipment, commodity barns, scales, grading, electrical supply, permits, homes, moving expenses of cows, feed, loss of production etc., I estimate the replacement cost to be well over 10 million dollars and could be millions more. Due to the fact, I was just made aware of the proposed route, I was unable to acquire estimates prior to this draft.
The DEIR/S and HSRA did not notify me of the changes of their original proposed route. My native language is Portuguese and no mailing or information was provided to me in language that I read, write and speak. I do not read English and understand minimal English. The DEIR/S appears to attempt to minimize the objection and concerns and responses, by not notifying the affected property owners of the proposed changes individually. As I did not know the process and still have limited knowledge of the proposed routes, the HSRA should have acted responsibly to contact property owners, not just do a drive by or fly by. They made the bare minimum public notices to minimize the responses and public knowledge of the route of the HSR. Due to these facts, I did not have adequate time to review and respond to all the facts.
The DEIR/S was negligence in not obtaining estimates, replacement cost values or general appraisals near the proposed route of the property, facilities, ranches, residences, factories, and businesses, and would have increased the impact that is reported on the DEIR/S. This would have more accurately described and addressed the value and impact. They do not even accurately note that the loss or reduction of a dairy facility impacts the local economy.

Domingos Ribeiro & Nellie Ribeiro
Yes

EIR/EIS Comment :

Response to Submission 618 (Domingos & Nellie Ribeiro, Domingos Ribeiro Dairy, October 13, 2011)

618-1

See MF-Response-AGRICULTURE-4 and MF-Response-AGRICULTURE-6.

618-2

Because the dominant minority language in the Central Valley is Spanish, many of the materials developed for the project were translated into Spanish. Translations into other languages were made available upon request.

618-3

See MF-Response-SOCIAL-1 and MF-Response-GENERAL-4.

Submission 570 (Matthew Strickland, Double Creek Dairy, October 12, 2011)

Merced - Fresno - RECORD #570 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 10/12/2011
Submission Method : Website
First Name : Matthew
Last Name : Strickland
Professional Title : Partner
Business/Organization : Double Creek Dairy
Address :
Apt./Suite No. :
City : Merced
State : CA
Zip Code : 95341
Telephone : 209-769-2813
Email : mstrickland22@live.com
Cell Phone :
Email Subscription : Fresno - Bakersfield, Merced - Fresno, Sacramento - Merced, San Jose - Merced
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

570-1

October 10, 2011
High Speed Rail Authority
To Whom It May Concern,

I am a fourth generation dairyman in Merced, California. This letter is in response to the Environmental Impact Report regarding the High Speed Railroad Merced to Fresno section specifically the A1 Mission Route. The A1 Mission Route goes straight through my dairy operation on Merced County APN's: 053-120-026-000, 053-120-024-000, 053-120-027-000, 067-030-015-000.

This dairy is a family business. The land and facilities are owned by my parents Rob and Victoria Strickland and I along with my wife Sarah, are partners in the dairy with my grandparents Henry and Marie teVelde. My wife and I have four children that we hope will continue the family business at this site. This will not be possible if this route is chosen. I have spent much of my life preparing to go into the dairy business. I attended CSU Fresno where I attained a Bachelor's degree in Agricultural Economics in 2009 and also managed the schools dairy herd. I would like to be able to put my time, money and hard work to good use by continuing in the family business. We also live on this dairy and the proposed railway goes within fifty yards of our home. We feel this would be an unsafe area to raise our children and would be forced from our home.

As far as the dairy is concerned if the A1 Mission route on APN 067-030-015-000 is chosen for the Merced to Fresno Section it will render the dairy useless. The railway would divide the dairy in two while also disrupting cow comfort by taking away corral space. It would also render the milking barn useless because the area where the milk is unloaded into trucks would no longer exist as the railway goes straight through it. The manure storage facilities would also be compromised causing the dairy to be in breach of current water and air quality rules and regulations. There would also be an issue of the fields being split into irregular shapes. This would force us to remodel all of the irrigation for the entire ranch. Lagoon water must be able to reach all of the farm land to be in compliance with water quality board.

The only solution if the A1 Mission Route is chosen would be for the dairy to be relocated. This would be very expensive and time consuming. The possibility of relocating in the state of California is slim to none because it is highly unlikely a permit would be issued so it is most likely that the dairy would have to be relocated out of the state. Either way this would be a lengthy process. Time would have to be provided to find property, permit the property for the dairy, find a market for our milk, construct or remodel a facility, etc. These would have to be completed before construction of the High Speed Rail is started. We feel this is would take a minimum of four years to complete which does not fall within the HSR construction time limits.

The choice of the A1 Mission route does not just affect me and my family but also the local economy. Twenty people are employed by this farm alone. These people will be out of work if the business is forced to move. A study done in 2008 by J/D/G Consulting Inc. found that for every "on-the-farm" job provided by the dairy industry there are twenty-two "beyond the farm" jobs created. That means that there will be a loss of 440 local jobs just as a result of our farm going out of business. This does not include any of the other farmers and ranchers whose farms are also compromised by this route. Agriculture is one of our states biggest sources of income. The dairy industry alone stimulates \$63 Billion of economic activity by producing 41.2 billion pounds of milk. That is roughly \$1.53 per pound of milk. This dairy alone produces about 4 million lbs of milk per month. I cannot for the life of me understand why in these economic times anyone would want to cut off one of the state's largest sources of income no matter what the reason.

In conclusion I would like to state that I feel the A2 route along Highway 99 is a much better alternative. It would be a more direct route from the

Submission 570 (Matthew Strickland, Double Creek Dairy, October 12, 2011) - Continued

Fresno station to the Merced station. It also follows already existing infrastructure and would disrupt less agricultural land. Keep land designated for transportation for transportation and leave land for agriculture for agriculture. My partners and I will be available for an onsite discussion of our site.
Sincerely,

Matt Strickland
Double Creek Dairy
(209)-769-2813
mstrickland22@live.com
Yes

EIR/EIS Comment :

Response to Submission 570 (Matthew Strickland, Double Creek Dairy, October 12, 2011)

570-1

See MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-6, and MF-Response-GENERAL-4.

Submission 797 (Henry and Adrienne te Velde, Double Creek Dairy, September 14, 2011)

October 20, 2010

California High Speed Rail Authority
925 L Street
Suite 1425
Sacramento CA 95814

797-1

To Whom It May Concern:

I am a second generation family dairy farmer in Merced County. This letter is in reference to Merced County APN's: 053-120-026-000, 053-120-024-000, 053-120-027-000, 067-030-015-000. We are opposed to the HSR bisecting our dairy farm leaving 43% north of the railway and 57% south of the railway.

This bisection has the potential to disrupt our dairy operation and put us out of business. We need connection between these properties to move farm implements such as tractors, discs, feed choppers and trucks. We also need to transport, via pipeline, nutrient and fresh water from one side to the other. When pasturing cows, we need connection for cows to walk between these parcels, not be trucked. If any of this is disrupted, it would put us out of business.

Currently, due to prohibitive permitting for dairies, it would be impossible to relocate in California. Furthermore, we would be unable to supply our processors if we moved elsewhere.

You should choose the route along highway 99 because it is the shortest. It makes no sense to add additional miles to the route by going through the Le Grand area. Your goal is high speed and additional miles just make the time of travel longer.

My daughter and son in law, Robert and Victoria Strickland are involved in our business as well as my grandson and his wife, Matt and Sarah Strickland. Matt and Sarah will be buying the cows in December and be the fourth generation. They have three small children who we hope some day will be fifth generation family farmers.

My wife and I have spent our entire life building this farm and we are dependant on it's viability in the future for our retirement.

Please do not disrupt our family farm by choosing this route.

Thanks in advance for not choosing the route through our farm.

Sincerely,

Henry and Adrienne te Velde

Response to Submission 797 (Henry and Adrianne te Velde, Double Creek Dairy, September 14, 2011)

797-1

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, and MF-Response-AGRICULTURE-6.

Submission 798 (Matt and Sarah Strickland, Double Creek Dairy, September 14, 2011)

October 25, 2010

Chairman Kurt Pringle
California High Speed Rail
925 L Street
Suite 1425
Sacramento CA 95814
Chairman Pringle,

798-1

I am writing this letter in regards to the possible route of the high speed rail project that follows Miles Creek. This proposed route would divide my family's two ranches Merced County APN's: 053-120-026-000, 053-120-024-000, 053-120-027-000, 067-030-015-000. I will be the fourth generation of my family to dairy farm beginning December 1, 2010 when my wife Sarah and I become partners in the dairy business with my grandfather Henry teVelde. I am a recent graduate of CSU Fresno with a degree in Agricultural Business with a minor of Dairy Science. I have put forth a lot of time and effort to prepare myself for the task that lies ahead of me. If this proposed route is chosen my family's business could be in jeopardy. By separating the two properties the dairy, under current environmental regulations, would not be able to continue at this location. This is a major threat to our business because the ability to relocate in the state of California is slim to none. With current environmental regulations it is nearly impossible to build a new dairy facility and finding a used facility that is up to environmental code is not an easy task. This would impose a major cost to the high speed railroad project because it would not only be using farm land but also taking dairy land. The cost of relocating a dairy in California is very large. Besides the cost of the land there are many permit fees that are very expensive. Then there is also the cost of building the facility.

I hope that the explanation above will be considered when choosing the route of the high speed railroad. This decision will affect not only my future but also the future of my children who may also follow in the family business.

Sincerely,

Matt & Sarah Strickland

Manager, Double Creek Dairy

Response to Submission 798 (Matt and Sarah Strickland, Double Creek Dairy, September 14, 2011)

798-1

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-6, MF-Response-SOCIAL-1.

Submission 116 (Vicki Strickland, Double Creek Ranch, September 19, 2011)

Merced - Fresno - RECORD #116 DETAIL

Status : Action Pending
Record Date : 9/19/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/19/2011
Submission Method : Website
First Name : Vicki
Last Name : Strickland
Professional Title : Owner
Business/Organization : Double Creek Ranch
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95341
Telephone :
Email : vrs.mes.photo@gmail.com
Cell Phone :
Email Subscription : Fresno - Bakersfield, Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :

116-1

I believe there has not been enough time allotted to review the EIR report. This is a major infrastructure project if not THE largest for California. The 60 days you have given us is suited more for the building of a school or mini-mall. There are 30 thousand plus pages we need to read and understand. It is nigh-on impossible for we as citizens and business owners to get though all of this information in the allotted time. I ask that the review time be extended. Six months might cover it!

EIR/EIS Comment : Yes

Response to Submission 116 (Vicki Strickland, Double Creek Ranch, September 19, 2011)

116-1

See MF-Response-GENERAL-7.

Submission 368 (Vicki Strickland, Double Creek Ranch, September 22, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011



CALIFORNIA
High-Speed Rail Authority

09-22-11P03:06 RCVD

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
recibidos después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/
Nombre: Vicki Strickland

Organization/
Organización: Double Creek Ranch

(Optional/Opcional)
Address/Domicilio: 8632 meacham

Phone Number/
Número de teléfono: 209-394-3600

City, State, Zip code/
Ciudad, estado, código postal:
Winton, Ca. 95388

Email address/
Correo electrónico: Mrs.Mes.phot@gmail.com

I want to say that there has not been
enough time allotted to review the EIR.
This is a major infrastructure project
for California. Probably the largest in
the history of California. Sixty days is
by no means long enough to review
the 30,000 some-odd thousands pages
of this report. Six months sounds
more reasonable. Please extend
this time line so the citizens of
this state can adequately review this
report!

368-1

Response to Submission 368 (Vicki Strickland, Double Creek Ranch, September 22, 2011)

368-1

See MF-Response-GENERAL-7.

Submission 583 (William Dicker, Durey Libby Edible Nuts, Inc., October 12, 2011)

Merced - Fresno - RECORD #583 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/12/2011
Submission Method : Project Email
First Name : William
Last Name : Dicker
Professional Title : Vice President
Business/Organization : Durey Libby Edible Nuts, Inc.
Address : 100 Industrial Rd
Apt./Suite No. :
City : Carlstadt
State : NJ
Zip Code : 07072
Telephone : 201-939-2775
Email : billythenutman@msn.com
Cell Phone : 845-282-4071
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

APN#027-202-049 Fairmead Blvd and road 20 in Chowchilla (Fairmead)
CA

To Whom it may concern,

I have just spoken to Kim Christensen from AECOM(consultant to
California High Speed Rail Authority)

My Concern is that the high speed rail is going to prevent access to my
property for my business and my tenants. It will also effect the use of my
Pond for pistachio processing. This map does not show the complete
overpass that was being constructed
at the time the photo was taken. The balance of road 20 which is not in
pink is now the overpass ramp.

On your map in "appendix 3.1A Project Footprint page 043 of 233 it has
pink lines that are on road 20, along Fairmead blvd., and across the
eastern part of my property which has my pond on it. I have attached the
page to this email for your convenience. My property is in the lower right
hand part of the page with the three buildings on it.

I would like to know what the intentions that you have to this area, So I
can proceed accordingly.

Thank you for your time and help in this matter,

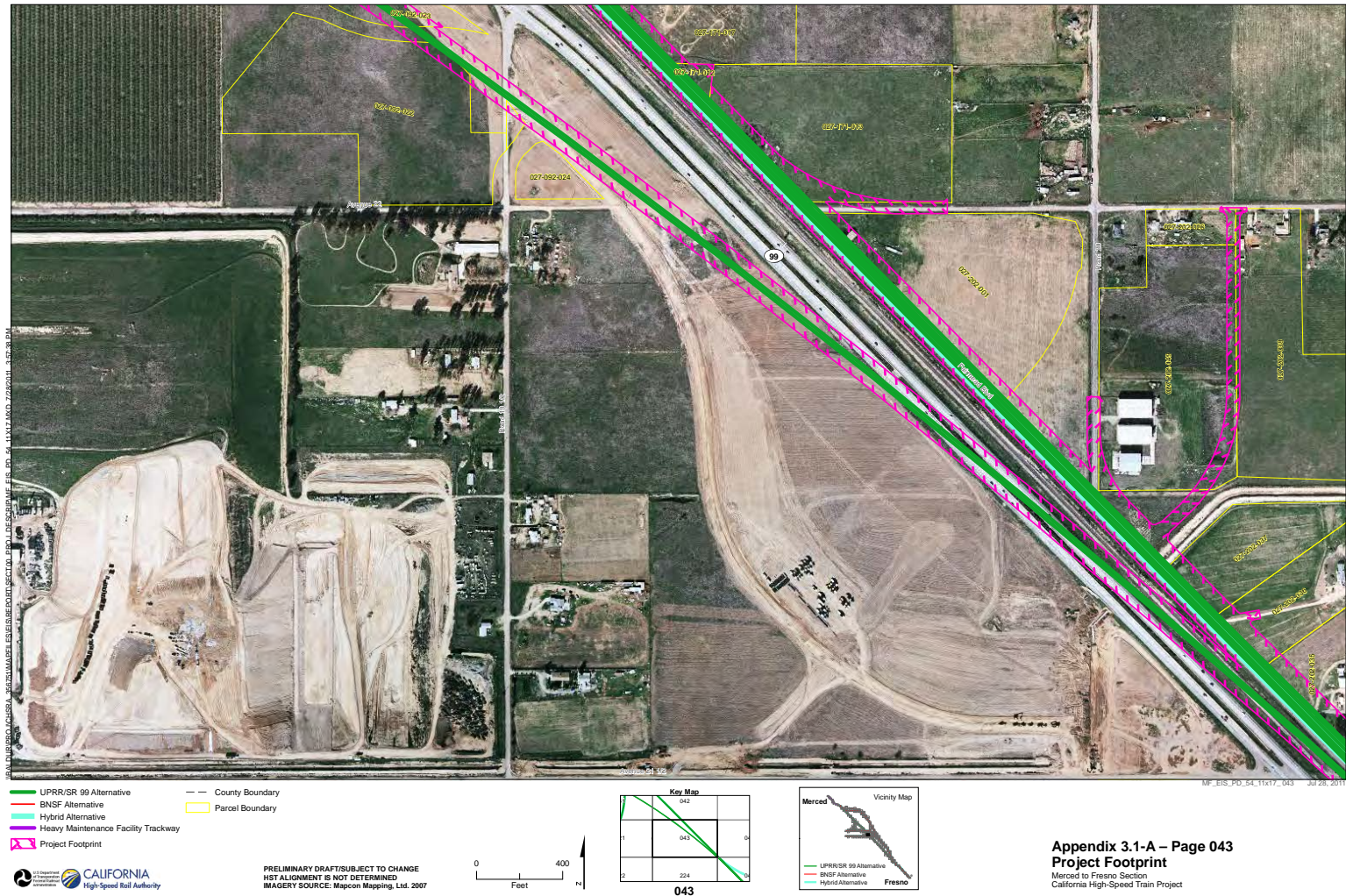
William Dicker
V-Pres.
Durey Libby Edible Nuts, Inc.
100 Industrial Rd
Carlstadt, NJ 07072
201-939-2775
800-332-6887
845-282-4071 cell#

EIR/EIS Comment :
Attachments :

No
Appendix 3-1A page 043.pdf (304 kb)

583-1

Submission 583 (William Dicker, Durey Libby Edible Nuts, Inc., October 12, 2011) - Continued



Response to Submission 583 (William Dicker, Durey Libby Edible Nuts, Inc., October 12, 2011)

583-1

See MF-Response-SOCIAL-1.

Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley
LLP, October 13, 2011)



FITZGERALD ABBOTT & BEARDSLEY LLP
ATTORNEYS AT LAW
1221 Broadway, 21st Floor Oakland, CA 94612
reply to: P.O. Box 12867 Oakland, CA 94604-2867

tel 510.451.3300
fax 510.451.1527
www.fablaw.com

RECEIVED

10-14-11P12:33 RCVD

Jason W. Holder
jholder@fablaw.com

October 13, 2011

VIA ELECTRONIC MAIL, ORIGINAL TO FOLLOW BY OVERNIGHT MAIL

Merced to Fresno DEIR/DEIS Comment
Attn: Jeff Abercrombie, Area Program Manager Central Valley
770 L Street, Suite 800
Sacramento, CA 95814
E-mail: merced_fresno@hsr.ca.gov

Re: NEPA Comments Concerning DEIR/DEIS for Proposed Merced to
Fresno Segment of High Speed Train

Dear Mr. Abercrombie:

This firm represents Church & Dwight Company, Inc. ("Church & Dwight"), owner of a manufacturing facility within the proposed right-of-way for two of the alternatives analyzed in the Draft Environmental Impact Report / Draft Environmental Impact Statement ("DEIR/S") document, prepared by the Federal Railroad Administration ("FRA") and the California High-Speed Rail Authority ("Authority") pursuant to the National Environmental Policy Act ("NEPA")¹ and the California Environmental Quality Act ("CEQA")² for the Merced to Fresno Segment of the California High-Speed Train Project (the "Project," "Proposed Action," or "IST"). Church & Dwight's facility is located at southeast of Madera, California, at 31266 Avenue 12 (APN 047-130-016).

The following comments, concerning the FRA's compliance with NEPA, are submitted on our client's behalf. We will simultaneously submit a separate letter to the Authority concerning its compliance with CEQA. As explained more fully below, the DEIR/S³ prepared for the Merced to Fresno Segment ("Segment") does not comply with the requirements of NEPA. Therefore, the FRA may not approve the preferred alternative for the Segment until an adequate DEIS is prepared and circulated for public review and comment.

¹ 42 U.S.C. §§ 4321 et seq. (2010).

² Cal. Pub. Resources Code, § 21000, et seq.

³ For convenience, the DEIR/DEIS is referred to hereafter as the "DEIS."

Jeff Abercrombie, Area Program Manager
Merced to Fresno DEIR/DEIS Comment Page 2

October 13, 2011

795-1

Church & Dwight is a large, publicly-owned company that manufactures and sells a wide variety of consumer and agricultural products.⁴ The BNSF and Hybrid Alternatives analyzed in the DEIS involve building the HST line directly over Church & Dwight's property, where its specialized manufacturing facility is currently located.⁵ If FRA and the Authority select either of these alternatives as the preferred alternative for the Segment, Church & Dwight's facility will have to be demolished and relocated (assuming relocation is feasible). Demolition of the facility and any interruption in its production would result in severe adverse economic impacts to Church & Dwight, its vendors and its customers. For this reason, Church & Dwight have a direct interest in commenting on the Project and each of the proposed alternatives. Furthermore, as a long-standing member of the Madera community, Church & Dwight has an additional interest in promoting the community's interest by helping to ensure the Segment causes minimal local impacts. For these reasons, we intend to actively participate in the administrative and environmental review process for this Segment of the Project.

Church & Dwight did not receive any notice concerning the imminent threat to its facility posed by two of the Segment's alternatives until it received the Notice of Availability ("NOA") concerning the DEIS on August 9, 2011.⁶ Because our client received this notice after the comment period had commenced, we have not had the opportunity to develop comments with the assistance of technical experts, such as biologists, economists and traffic and air quality engineers. In a letter sent to the FRA and the Authority on September 28, 2011, we requested a four-month extension to the sixty-day comment period. As we explained in our letter, the requested extension of the comment period is necessary to allow sufficient time to review and comment on the voluminous DEIS, its supporting technical appendices and the two first-tier EIR/S documents upon which the DEIS is said to rely. Today, we received a response from the Authority denying our request for an extension to the comment period.⁷ Before the FRA and Authority make a decision concerning the preferred Segment alternative, Church & Dwight may elect to supplement these comments with additional comments, supported by comments from technical experts.

A. INTRODUCTION

California's ambitious HST project promises to offer significant public benefits, including reduced pollution and traffic, increased commerce along the HST right-of-way, an efficient alternative mode of travel across the state, the influx of millions of dollars of new spending at a time when local communities need it, and new construction jobs. Of course, on the surface, these benefits are appealing. The extensive infrastructure required for the Project,

⁴ See Attachment A, Information Sheet Regarding Church & Dwight and the Madera Facility.

⁵ See Attachment B, Excerpts from Appendix 3.1a to DEIS, Index Sheet B and pp. 163-164

⁶ Church & Dwight was not on the mailing list for the Notice of Preparation ("NOP") for the DEIS released on February 23, 2009, most likely because the original alternative routes for this Segment did not propose crossing over from the BNSF right-of-way to the UPRR right-of-way in the vicinity of Church & Dwight's property. (See Attachment C, Excerpts from NOP for Merced to Bakersfield HST system, dated February 23, 2009; see also Appendix D to NOP, Merced to Bakersfield Scoping Public Mailing List.)

⁷ The Authority's letter denying our request is dated October 6, 2011, but the letter was sent to us six days later, via overnight mail, on October 12, 2011. The letter does not explain the delay in transmitting the Authority's response. Apparently, the Authority intentionally timed the response to arrive on the day comments are due.

10/13/11 (27879) #431755.1

R.M. FITZGERALD 1858 - 1934 CARL H. ABBOTT 1867 - 1933 CHARLES A. BEARDSLEY 1882 - 1943

10/13/11 (27879) #429932.1

Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - Continued

Jeff Abercrombie, Area Program Manager
Merced to Fresno DEIR/DEIS Comment Page 3

October 13, 2011

795-1

however, will displace businesses, disrupt local economies, impact agricultural and natural resources, and consume scarce resources. The FRA and the Authority must therefore carefully consider these potential direct, indirect and cumulative impacts caused by an ostensibly beneficial massive public infrastructure project.

The 800+ mile HST project is comprised of nine segments, each evaluated separately at the project-level. While each of these segments, considered in isolation from the rest, may result in less-than-significant impacts after mitigation, they will each unavoidably tax the state's limited air, water, land, and biological resources to a potentially significant cumulative extent. The final toll taken by this ambitious and immense Project on California's environment, public health, natural resources, and economy base may not be known for several years or longer, but currently available and substantial evidence shows that the effects will be severe.

The HST Project, as well as numerous other pending transportation and renewable energy projects, seeks funding through the American Recovery and Reinvestment Act of 2009 ("ARRA"). As stated in a proclamation by President Obama, the ARRA "reaffirmed NEPA's role in protecting public health, safety, and environmental quality, and in ensuring transparency, accountability, and public involvement in our Government."⁸

Under these unprecedented circumstances, it is even more imperative that this environmental document identify and analyze all of the Segment's impacts with the utmost degree of accuracy, care and detail. It is equally, if not more, imperative that any and all reasonable alternatives that are less environmentally damaging be presented and discussed as thoroughly as possible, together with any and all feasible mitigation measures. The strictures of NEPA and the maxims of sound public policy and informed environmental planning require nothing less. Based on these concerns, Church & Dwight, its employees and the Madera community have a strong interest in ensuring that this Segment of the Project complies with all applicable federal, state and local laws and regulations.

With that said, we must conclude with disappointment that this particular DEIS, despite its length and complexity, is so rife with omissions, incomplete analyses, and obsolete information that it simply does not even come close to complying with NEPA standards. As these comments will demonstrate, the DEIS is fatally deficient and must be substantially revised and recirculated for further public review and comment before it may be finalized.⁹

The DEIS does not describe all of the characteristics of the alternatives for the Segment. Moreover, as explained at length below, the Segment will generate a multitude of impacts in a number of impact areas, including: agriculture, air quality, public health, socioeconomic and community facilities, water supply, water quality, biological resources, and cultural resources. The DEIS either mischaracterizes, misanalyzes, underestimates, or fails to identify many of these impacts. The DEIS, for example, fails entirely to identify the impacts that will be caused by new and modified roadways, transmission lines and bridges that will be required for the Segment. At the same time, many of the mitigation measures described in the DEIS will not, in fact, mitigate

⁸ Presidential Proclamation regarding the 40th Anniversary of the National Environmental Policy Act, December 31, 2009.

⁹ 40 C.F.R. § 1502.9(a) (2009) ["If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion"].

10/13/11 (27879) #429932.1

Jeff Abercrombie, Area Program Manager
Merced to Fresno DEIR/DEIS Comment Page 4

October 13, 2011

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impacts to the extent claimed and in some instances will generate additional impacts that are not evaluated. Finally, the DEIS impermissibly truncates the scope of alternatives discussed, and consequently fails to consider reasonable feasible alternative approaches to the Segment's footprint (i.e., routes and wyes) that would altogether avoid several of the Segment's most serious impacts.

Below, after a brief summary of applicable legal requirements governing EIS preparation, we present our general comments and our more specific comments organized according to resource category. The general comments address analytical flaws that pervade the DEIS, while the specific comments address errors in individual analyses.

I. THE DEIS FAILS TO SATISFY NEPA'S PURPOSE AND GOALS

NEPA requires that agencies take a "hard look" at the environmental consequences of a proposed action.¹⁰ Other federal agencies have defined "hard look" as a "reasoned analysis containing quantitative or detailed qualitative information."¹¹ The level of detail must be sufficient to support reasoned conclusions by comparing the amount and the degree of the impact caused by the proposed action and the alternatives.¹² An EIS must provide a "full and fair discussion of significant environmental impacts and shall inform the decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment."¹³ "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."¹⁴ "[L]ack of knowledge does not excuse the preparation of an EIS; rather it requires [the agency] to do the necessary work to obtain it."¹⁵

NEPA review makes information on the environmental consequences of a proposed action available to the public, which may then offer its insight to assist the agency's decision-making.¹⁶ An EIS is more than just a disclosure device; rather, it is an "action-forcing device" which ensures that NEPA's requirements are infused into the ongoing programs and actions of the federal government.¹⁷ The discussion of impacts must address both direct and indirect impacts of a proposed project.¹⁸ The agency need not speculate about all conceivable impacts,

¹⁰ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989); *Dunhois v. U.S. Dep't of Agric.*, 102 F.3d 1273, 1284 (1st Cir. 1996); see also *South Fork Band Council Of Western Shoshone Of Nevada v. U.S. Dept. of Interior*, 588 F.3d 718, 727 (9th Cir. 2009) ["NEPA requires that a hard look be taken, if possible, before the environmentally harmful actions are put into effect"].

¹¹ See, e.g., Bureau of Land Management, NEPA Handbook, p. 55 (Jan. 2008), available at: http://www.FRA.gov/pdata/etc/medialib/FRA/we/information_Resources_Management/policy/FRA_Handbook.Par_24487.File.dat/h1790-1-2008-1.pdf.

¹² 40 C.F.R. § 1502.1 (2009).

¹³ 40 CFR 1502.1.

¹⁴ *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998).

¹⁵ *National Parks & Conservation Association v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001).

¹⁶ See *Robertson*, 490 U.S. at 350; *Dunhois*, 102 F.3d at 1284.

¹⁷ 40 C.F.R. § 1502.1.

¹⁸ See *id.* at § 1502.16(b); see also *Sierra Club v. Marsh*, 976 F.2d 763, 767 (1st Cir. 1992).

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but it must evaluate the reasonably foreseeable significant effects of the proposed action.¹⁹ In this context, reasonable foreseeability means that “the impact is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision.”²⁰

In addition to a scientifically defensible analysis of project impacts, an EIS must also include a discussion of “appropriate mitigation measures not already included in the proposed action or alternatives.”²¹ An EIS is not complete unless it contains “a reasonably complete discussion of possible mitigation measures.”²² Mitigation includes “avoiding the impact altogether by not taking a certain action or parts of an action.”²³ It also includes “minimizing impacts by limiting the degree or magnitude of the action and its implementation.”²⁴ The mandate to thoroughly evaluate all feasible mitigation measures is critical to NEPA’s purposes.²⁵ Hence, a “perfunctory description” or a “mere listing” of possible mitigation measures is not adequate to satisfy NEPA’s requirements.²⁶ That individual harms are somewhat uncertain due limited understanding does not relieve FRA of the responsibility under NEPA to discuss mitigation of reasonably likely impacts at the outset.²⁷

An EIS must “[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”²⁸ This requirement is discussed in greater detail in a subsequent section of this letter.

Finally, an EIS must be “concise, clear, to the point, and supported by evidence that the agency has made the necessary environmental analyses.”²⁹ A concise and clear EIS that is supported by evidence ensures that federal agencies are informed of environmental consequences *before* making decisions and that the information is available to the public.³⁰ As the Council on Environmental Quality (“CEQ”) explains in its regulations, “[e]nvironmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”³¹

¹⁹ *Marsh*, 976 F.2d at 767.

²⁰ *Ibid.*; see also *Dubois*, 102 F.3d at 1286.

²¹ 40 C.F.R. § 1502.14(f).

²² *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

²³ 40 C.F.R. § 1508.20(a).

²⁴ *Id.* at subd. (b).

²⁵ *Id.* at § 1500.1(c).

²⁶ See *Neighbors of Cuddy Mountain*, 137 F.3d at 1380.

²⁷ See *South Fork Band Council of Western Shoshone of Nevada*, 588 F.3d at 727, citing *National Parks*, 241 F.3d at 733.

²⁸ 40 C.F.R. § 1502.14(a).

²⁹ *Id.* at § 1500.2(b).

³⁰ *Inland Empire Pub. Lands Council v. U.S. Forest Serv.*, 88 F.3d 754, 758 (9th Cir. 1996).

³¹ 40 C.F.R. § 1502.2(g).

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The DEIS for the proposed Project fails to comply with these basic requirements. First, the lack of complete, concise, clear, accurate and consistent information in the DEIS precludes an informed comparison of the alternatives for this Segment and an analysis of the Proposed Action. The 3,300-page DEIS is supported by thousands of pages of technical appendices and supposedly relies on thousands of pages of first-tier environmental review in two programmatic review documents. But the document does not reference these materials with enough precision to enable the reader to find the information and analysis that is relied upon. Instead, the reader must attempt to ferret out this information. The lengthy analysis is far from concise or clear. Second, the FRA failed to take a hard look at all of the Segment’s impacts. The DEIS does not even describe all of the Segment’s features, and it presents a generalized analysis of many potentially significant impacts and conclusory statements concerning the effectiveness of vague mitigation measures. Third, the FRA impermissibly limited its alternatives analysis. The DEIS relies on an arbitrarily narrow purpose and need statement, fails to consider design modifications to each alternative that could substantially reduce impacts and fails to consider a reasonable alternative alignment along the I-5 corridor through the Central Valley.

For these reasons, and as further explained below, the DEIS precludes a meaningful analysis of the Segment’s impacts and the means devised to avoid or reduce them. The FRA must therefore revise the DEIS and recirculate the revised DEIS for public review and comment before making a decision concerning the Segment or the HST project as a whole.

II. GENERAL COMMENTS

A. The DEIS Does Not Adequately Tier Off of or Incorporate by Reference the Analysis of Two First-Tier Environmental Review Documents.

The DEIS supposedly relies upon the analyses of two first-tier environmental review documents.³² The DEIS does not clearly explain, however, how the EIR/S for the Bay Area segment of the HST updated the analysis from the 2005 Programmatic EIR/S for the entire HST system, nor does the DEIS consistently or clearly explain how its analysis relies upon either of these two previously prepared documents. With thousands of pages of background analysis to sift through, and thousands of pages of project-level analysis and technical reports to review, the public is left to wonder how this document fits into the overall analytical structure of this complicated and muddled tiering scheme.³³

Under NEPA regulations, tiering is a process in which environmental impacts addressed in a previous EIS may be briefly summarized and incorporated by reference in a subsequent document. 40 C.F.R. § 1502.20, entitled “Tiering,” provides:

³² See DEIS, Summary, pp. S-1, S-4.

³³ The reviewers task is made much more difficult because the links to the Statewide Program EIR/S are not named with an informative description of the document. See, e.g., websites for Volumes 1-3 of the Statewide Program EIR/S, available at: http://www.cahighspeedrail.ca.gov/final_pgm_eircisreport_vol1.aspx, http://www.cahighspeedrail.ca.gov/finalprgm_eircisreport_vol2.aspx, and http://www.cahighspeedrail.ca.gov/finalprgm_eircisreport_vol3.aspx, respectively. The reader must open each link in order to determine what portion of the analysis the link contains.

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Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment *need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference* and shall concentrate on the issues specific to the subsequent action . . .³⁴

The DEIS does not provide the required summary of issues discussed in the two broader statements, nor does it adequately incorporate by reference the discussions from the broader statements.

For example, the chapter concerning Alternatives states that two of the alternatives considered in this DEIS are based on alternatives considered at the first-tier review level in the 2005 EIS/EIR and in the 2008 and 2010 EIS/EIRs prepared for the Bay Area segment.³⁵ The chapter includes a brief description concerning the preferred BNSF Alternative from the 2005 EIS/EIR and the preferred UPRR Alternative from the 2010 EIS/EIR, but does not explain why the Authority and FRA came to inconsistent conclusions concerning the preferred alternative in these prior first-tier analyses. As such, the explanation confuses rather than clarifies this issue.

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B. Information in the DEIS Concerning the Characteristics of the Proposed Action is Incomplete and Inaccurate.

A complete and consistent description of the Proposed Action and the affected environment is necessary for the public and decision makers to understand the effects of the proposed action and its alternatives.³⁶ A clear description results in more focused and meaningful public input, a more complete identification of issues, development of reasonable alternatives, sound and focused analysis and interpretation of effects, FRA deliberation and a supportable decision. For a project-level EIS, such as the DEIS for this Segment, which is intended to address *all* of the Segment's environmental impacts, a complete and detailed description of all components of each alternative is required.

It follows that information in the DEIS that is incomplete, inconsistent and/or inaccurate will skew the environmental consequences analysis and prevent informed public input. Courts have held that "[w]here the information in the initial EIS was so incomplete or misleading that the decision-maker and the public could not make an informed comparison of the alternatives,

³⁴ 40 C.F.R. § 1502.20, emphasis added.

³⁵ See DEIS, Alternatives, p. 2-1.

³⁶ See 40 C.F.R. § 1502.15; see also *State of Cal. v. Block*, 690 F.2d 753, 761 (9th Cir. 1982) [starting point for analysis of whether a "critical decision" with respect to site development is "to describe accurately the 'federal action' being taken"].

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revision of an EIS [was] necessary to provide a reasonable, good faith, and objective presentation of the subjects required by NEPA."³⁷

The importance of an accurate and complete description of the Project and its environmental impacts is especially critical here, given the immense scale of the Project. Construction of the 800±mile HST line and operation of HSTs along the line will dramatically impact every aspect of the ecosystem and human environments along the entire route and the areas surrounding the right-of-way. The 65±mile Merced to Fresno segment of the HST line, on its own, and in combination with the rest of the HST system, will have major impacts to the region's natural and built environment and economy.

The DEIS contains incomplete, inconsistent and inaccurate information that precludes a full understanding of the Proposed Action, a meaningful analysis of all Project impacts, and prevents an informed comparison of the alternatives. This violates the basic requirements of NEPA.

The DEIS vaguely describes the range of acres that would be acquired for the Merced to Fresno HST segment: the figure ranges from 2,500 to 3,300 acquired acres.³⁸ The DEIS does not provide a simple, straightforward and comprehensive breakdown of the types of uses on these acres, nor does it provide information concerning the total amount of acres required for each alternative.³⁹ It also does not provide an estimate of the amount of acres that will be disturbed out of the total amount of acquired acres. As such, these vague figures, which only appear in the Summary chapter and are not explained elsewhere, are not sufficiently informative to the public or the decision-makers.

As discussed further below, the DEIS also failed to accurately identify all Project characteristics. Project characteristics not sufficiently described and considered in the DEIS include, but are not limited to:

- New or modified transmission lines and substations that will be necessary, in some areas that lack existing or sufficient electric infrastructure, to provide power to this Segment of the HST system and associated new or modified access roads and spur roads⁴⁰;
- New or modified irrigation and drainage facilities along this segment of the HST system that would be necessary to accommodate the Project;

³⁷ *Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 811 (9th Cir. 2005), citing *Animal Def. Council v. Hodel*, 840 F.2d 1432, 1439 (9th Cir. 1988).

³⁸ See, e.g., DEIS, Summary, p. S-7 ["the total acquisition area for the Merced to Fresno Section would be between 2,500 and 3,300 acres"].

³⁹ See generally *id.* at Chapter 2, Alternatives.

⁴⁰ The DEIS describes some, but not all of these transmission system upgrades and related infrastructure. The analysis of impacts associated with transmission system upgrades is perfunctory. See DEIS, p. 3.6-37 - 3.6-38.

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- New or modified bridges over streams and rivers necessary for HST line crossings⁴¹;
- Modified freeway interchanges, ramps and approaches and modified frontage roads for the UPRR Alternative (and the other alternatives to the extent these modifications are required)
- Road closures that would be required for each alternative, and any modifications to existing roadways that would be required as a consequence of road closures;
- New or modified roadway overpasses along this segment of the HST system that would be necessary to accommodate the Project, including the proposed roadway overpass at Avenue 12, adjacent to Church & Dwight's property, which is only vaguely depicted in an appendix to the DEIS,⁴² but not described anywhere in the DEIS text; and
- Hazardous waste cleanup activities for the proposed Heavy Maintenance Facility ("HMF") Castle Commerce location.⁴³

The DEIS does not describe these Project characteristics in sufficient detail to enable an accurate project-level review of environmental impacts. The lack of detail also denies meaningful public participation and compromises responsible decision-making by public agencies. The FRA must revise the DEIS to provide a reasonable, good faith and objective presentation of the Project's characteristics, the qualities of the affected environment, and the respective environmental consequences of each Project alternative.

The discussion concerning the Construction Plan is also inadequate. For example, the section concerning preconstruction activities fails to mention the preconstruction surveys for sensitive species that will be required pursuant to mitigation measures. In addition, this section suggests that there are other Project characteristics that were either not described or insufficiently identified in the preceding sections in the chapter concerning alternatives (such as the relocation of utilities and the closure of roads).⁴⁴

Without an adequate and thorough project description that includes all components and characteristics of a proposed project, the lead agency cannot conduct an adequate analysis of project impacts, propose adequate mitigation measures or meaningfully evaluate project alternatives. For example, the FRA's failure to describe all characteristics of the Segment prevents the FRA from taking the required "hard look" at impacts associated with the entire Segment. Potentially significant impacts from additional Segment characteristics not clearly identified or evaluated in the DEIS include, but are not limited to, the following:

⁴¹ See, e.g., DEIS, p. 3.7-57 [analysis of impacts to jurisdictional waters states "Final bridge design plans are not currently available, but construction may require work below the ordinary high-water mark"].

⁴² See Attachment B, Excerpts from Appendix 3.1a to DEIS, Index Sheet B and pp. 163-164.

⁴³ See *id.* at pp. 2-13 - 2-14, 2-42 - 2-88.

⁴⁴ See *id.* at p. 2-98.

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- **Air quality** – Equipment used for construction of roadway modifications and additions required to accommodate the Segment. This equipment would emit nitrogen oxides ("NO_x"), volatile organic compounds ("VOC"), particulate matter ("PM₁₀" and "PM_{2.5}"), carbon monoxide ("CO") and carbon dioxide ("CO₂"), among other harmful pollutants. The Segment area is classified extreme non-attainment for ozone precursors, nonattainment for PM_{2.5}, and designated a maintenance area for PM₁₀.⁴⁵ Operation of this additional equipment during Project construction will produce emissions of these pollutants -- emissions not considered in the DEIS.
- **Water Quality** – Access roads and spur roads will likely be built along the transmission line routes and may be required along the portions of the Segment that lie outside existing transportation corridors. These roads will impact natural drainage patterns. All HST alternatives will also impact natural drainage patterns, and while the DEIS acknowledges this, it fails to specifically describe the "in-stream" work required at water crossings and does not address other more minor modifications to existing drainage systems.⁴⁶ The transmission line roads and HST alternative rights-of-way will cause unaddressed impacts to water quality.
- **Biological resources** – The area that will be impacted by undisclosed roadway modifications, new or modified bridges, and new transmission lines and associated roads support a variety of biological resources, including threatened and endangered species. Roadway and transmission line construction and operation would temporarily and permanently disturb habitat supporting these species.

We note that this is not a complete list of the potentially significant impacts associated with the poorly described roadway modifications and other proposed but undefined Project features. The DEIS must identify, evaluate and mitigate, where feasible, all of the potentially significant impacts associated with *all* Project features, including those insufficiently described characteristics identified above.

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C. The DEIS Fails to Analyze the Segment's Impacts Against the Environmental Baseline.

Once a project begins, the "pre-project environment" becomes a thing of the past, thereby making evaluation of the project's effect on pre-project resources impossible.⁴⁷ Without establishing the baseline conditions that exist in the vicinity of the Segment before it is built, there is simply no way to determine what effect the proposed large-scale transportation facilities will have on the environment and, consequently, no way to comply with NEPA.⁴⁸

An accurate description of the affected environment is an essential prerequisite for an adequate analysis of Project impacts. For example, information on the type(s) and level(s) of

⁴⁵ DEIS, pp. 3.3-12, 3.3-23.

⁴⁶ *Id.* at p. 3.8-24.

⁴⁷ *Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), citing *LaFlamme v. FERC*, 842 F.2d 1063, 1071 (9th Cir. 1988).

⁴⁸ *Ibid.*

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habitat disturbance in the Segment area is necessary to make inferences about the presence, abundance, and distribution of the special-status species that may be impacted by the Project. Here, as explained in more detail below, the surveys conducted to identify the environmental baseline information for the Segment alternatives were inadequate in numerous respects.

More than a month *after* the Authority released the DEIS for public review and comment, a *draft* wetland delineation report was released and made available on the Authority's website.⁴⁹ The information from this recently released draft wetland delineation report and the accompanying appendices could not have been incorporated into the DEIS and, therefore, is not reflected in the analysis of impacts to wetlands. The DEIS cannot possibly satisfy NEPA's requirements for analyzing all impacts to the aquatic environment (and obligate species), especially in a manner sufficient for the U.S. Army Corps of Engineers ("Corps") to make its decision on the permit required under Section 404 of the Clean Water Act ("CWA"), without an analysis that is based on an accurate baseline, as established through a formal wetland delineation. Mitigation Measure Bio-MM#55 requires the preparation of a jurisdictional delineation, but this delineation is a beginning step for the analysis, and may not be deferred until after the Segment has been approved.

The DEIS must be revised to accurately describe the affected environment.

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D. The DEIS Fails to Adequately Address the Irreversible Commitment of Resources Associated with the Project.

The impacts analysis must include a discussion of the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.⁵⁰ The DEIS includes a cursory, single paragraph, discussion of this issue.⁵¹ The discussion fails, however, to quantify the resources that will be irreversibly committed to this Segment of the larger Project. As such, the discussion does not acknowledge and disclose the unprecedented consumption of resources entailed in this massive public infrastructure project. The discussion does not adequately alert the public and the decision-makers of the Segment's adverse ramifications to scarce resources. The discussion also fails to describe the broader commitment of resources required for the HST system as a whole. In addition, while the HST system may provide benefits to the region and the state, describing these benefits in this section is improper.

⁴⁹ See Wetland Delineation Report, dated August 2011, available at: http://208.82.222.137/pdfs/fresno_merced/tech_reports/mf_wdr_tr.pdf. This report, and its supporting technical appendices, were not posted on the Authority's website until after September 28, 2011, the close of the comment period for the CWA Section 404 permit application.

⁵⁰ 40 C.F.R. § 1502.16.

⁵¹ See DEIS, p. 6-3 - 6-4.

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III. SPECIFIC COMMENTS REGARDING IMPACT ANALYSES AND MITIGATION MEASURES

"NEPA 'promotes its sweeping commitment' to environmental integrity 'by focusing Government and public attention on the environmental effects of proposed agency action.'"⁵² By so focusing agency attention, *NEPA ensures that the agency will not act on incomplete information*, only to regret its decision after it is too late to correct."⁵³ In an EIS, the agency must consider every significant aspect of a proposed action.⁵⁴ An EIS's discussion of environmental impacts forms the scientific and analytic basis for comparison of the alternatives.⁵⁵ The discussion of impacts must include both "direct and indirect effects (secondary impacts) of a proposed project."⁵⁶ An agency need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.⁵⁷ Reasonable foreseeability means that "the impact is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision."⁵⁸

The DEIS does not consider all of the Project's significant and foreseeable environmental impacts to biological resources, water resources, air quality, agricultural resources or cultural resources, among other resources. The FRA's failure to take a hard look at the Project's impacts violates the basic requirements of NEPA. The FRA must revise its impacts analysis and issue a supplemental DEIS for public review and comment.

A. The DEIS Fails to Adequately Address Business Relocation Impacts

1. The DEIS Does not Provide a Comprehensive Description of Relocation Impacts and the FRA Has Not Prepared a Relocation Impact Report.

In responding to comments on the Bay Area to Central Valley HST Revised Program EIR/S, the FRA and Authority stated that "the project-level EIR/EIS will include a comprehensive description of relocation impacts and relocation resources, and a Relocation Impact Report will be prepared for the project."⁵⁹ Because this DEIS tiers off of the Bay Area EIS/EIR, we assume that this analysis requirement applies here as well as to the project-level review prepared for the Bay Area to Central Valley segment. The DEIS, however, lacks the "comprehensive description of relocation impacts and relocation resources" and the agencies have not prepared a Relocation Impact Report for this segment of the HST system. *Because two*

⁵² *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 47 (2008).

⁵³ *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371 (1989), italics added.

⁵⁴ *Balt. Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 97 (1983); *Dubois v. U.S. Dep't of Agric.*, 102 F.3d 1273, 1286 (1st Cir. 1996).

⁵⁵ 40 C.F.R. § 1502.16; *Dubois*, 102 F.3d at 1286.

⁵⁶ *Sierra Club v. Marsh*, 976 F.2d at 767; *Dubois*, 102 F.3d at 1286; see also 40 C.F.R. 1502.16(a), (b).

⁵⁷ *Sierra Club v. Marsh*, 976 F.2d at 768.

⁵⁸ *Dubois*, 102 F.3d at 1286, citing *Sierra Club v. Marsh*, 976 F.2d at 767.

⁵⁹ Bay Area to Central Valley HST Revised Final Program EIR, p. 12-22 [Standard Response 7].

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of the proposed alternative routes threaten Church & Dwight's manufacturing facility, we are particularly concerned about this missing analysis.

2. The Analysis of Relocation Impacts is Incomplete, Inaccurate and Lacks a Thorough Discussion of Feasible Mitigation Measures.

Chapter 3.12 of the DEIS supposedly addresses impacts to properties along the alternative routes, but this analysis fails to adequately address impacts to commercial and manufacturing facilities.⁶⁰ Instead, the analysis primarily focuses on environmental justice impacts, impacts to community facilities and housing and impacts to agriculture.⁶¹ The level of analysis is also too generalized for meaningful review of the alternatives.

While extensive opportunities for early public involvement were provided to low-income and minority groups,⁶² similar opportunities were not provided to Church & Dwight and other manufacturers and commercial interests that would be impacted by the Project. In fact, Church & Dwight was not notified of the Project's potential impact on its facility until it received the notice concerning the release of the DEIS in mid-August 2011. This lack of notice flies in the face of NEPA's policies promoting early public involvement in the environmental review process. It is also extremely irresponsible, especially in this economy, given the impacts that this Project will have on businesses throughout the state.

The analysis acknowledges that a socioeconomic impact would be substantial if it would involve "relocation of specialized businesses."⁶³

Because of siting requirements and land availability constraints, agricultural enterprises, farm businesses, and specialized industries including quarries, granaries, and processor facilities may be unable to relocate or will require more time to relocate. Impacts on these types of businesses would be substantial under NEPA because relocation would be disruptive, and some businesses might not be able to relocate.

While this perfunctory analysis acknowledges that impacts caused by displacing some types of businesses would be substantial, it fails to suggest mitigation measures or alternatives that would reduce or eliminate these impacts.

The statement that "[i]n rural areas, the guideway would pass through agricultural land"⁶⁴ is an inaccurate generalization. The BNSF and Hybrid Alternatives, as currently designed,

⁶⁰ See DEIS/DEIR, pp. 3.12-3 - 3.12-5.

⁶¹ See *id.* at pp. 3.12-38 - 3.12-48. [DEIS states "The Merced to Fresno Section Community Impact Assessment (Authority and FRA 2011) provides complete information on displacements." This document does not appear to be available at the Authorities website, and the more complete information it supposedly contains does not appear to be properly incorporated by reference.

⁶² See *id.* at p. 3.12-7 [Table 3.12-1].

⁶³ See *id.* at p. 3.12-5.

⁶⁴ See *id.* at p. 3.12-53.

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would require relocation of Church & Dwight's specialized manufacturing facility, yet the DEIS does not even acknowledge this specific impact, much less identify it as substantial. Indeed, the only reference this chapter of DEIS makes to the area surrounding Church & Dwight's facility does not even mention the multi-million dollar facility:

South of Madera Acres, there are a few single-family residential areas adjacent to the BNSF corridor. The proposed alignment curves to the west about 7 miles north of the Madera-Fresno county line and joins the UPRR corridor north of the county line.⁶⁵

The analysis must be revised to address this substantial impact to the Church & Dwight facility and all other similar substantial impacts. An alternative design to the current BNSF and Hybrid Alternative must be developed that would avoid impacts to Church & Dwight's facility or the DEIS must provide a detailed explanation for why the current alignment through Church & Dwight's property is the *only* feasible alignment for this portion of the Segment, under the BNSF and Hybrid Alternatives.

The revised analysis must consider the type of product the Church & Dwight facility manufactures, and the indirect impacts to other businesses that would result if this facility is closed.⁶⁶ The facility manufactures, among other agricultural products, an important feed product for dairy cows. Many local dairy farms in the Central Valley regularly use this product. Any interruption in Church & Dwight's supply to these farms would impact their agricultural operations. Further, closing the facility would also impact Church & Dwight's local suppliers of raw materials for their product. The DEIS acknowledges the importance of analyzing the Project's impacts to agriculture⁶⁷, yet it fails to adequately complete this analysis.

If the FRA and Authority select either of the Alternatives that would require relocation of the Church & Dwight facility, and are unable to modify the Alternative design to avoid this impact, we expect compensation for the full fair market value of the facility, along with payment for all relocation costs, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended (Uniform Act)⁶⁸ and under California's Relocation Assistant Act.⁶⁹ Following the decision concerning the preferred alternative, and as necessary, Church & Dwight will furnish the Relocation Agent with information concerning the fair market value of the facility and anticipated relocation costs. The FRA and the Authority should know at the outset, however, that these costs will be substantial and their decision concerning the

⁶⁵ See *id.* at p. 3.12-24.

⁶⁶ See Attachment A, Information Regarding Church & Dwight's Facility.

⁶⁷ See, e.g., *id.* at p. 3.12-53 ["Given that the Central Valley of California is one of the most productive agricultural areas in the world, it is important to understand the potential effects of the project on the region's agricultural production and movement of goods"].

⁶⁸ See Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub.L. No. 91-646, 84 Stat. 1894, codified at 42 U.S.C. § 4601-4655; see also California Relocation Assistance Act, Cal.Gov Code, § 7260 et seq., and implementing guidelines at 25 Cal. Code. Regs. § 6000 et seq.

⁶⁹ See DEIS, pp. 3.12-59 - 3.12-60; see also Technical App. 3.12-A.

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preferred alternative and the design of the preferred alternative must take these costs into account.

3. The Analysis of Socioeconomic Impacts Does Not Squarely Address the Impacts Caused if Multiple Businesses in the Segment's Path Can Not be Relocated.

The DEIS largely assumes that relocation of businesses displaced by the Segment will be feasible. A few passages acknowledge that relocation for some may be difficult or impossible.

Because of siting requirements and land availability constraints, agricultural enterprises, farm businesses, and specialized industries including quarries, granaries, and processor facilities may be unable to relocate or will require more time to relocate.

Despite acknowledging this possibility, the DEIS fails to analyze the impacts to the environment and communities that could occur if multiple businesses are unable to relocate. For example, if specialized businesses, farm businesses and specialized industries are unable to relocate, there could be a number of indirect impacts, such as urban decay. The DEIS must be revised to evaluate the likelihood of relocation for businesses along each of the alternative routes and to responsibly consider these impacts.

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B. Impacts to Transportation

1. Construction-Related Impacts to Rural Areas Were Insufficiently Analyzed.

The DEIS fails to adequately address the construction-related impacts to traffic and transportation. The Chapter states that "Chapter 2, Alternatives, and the Merced to Fresno Section Transportation Technical Report (Authority and FRA 2011a) describe the type of changes that would take place at each roadway crossed by the proposed HST alignments," but this is not accurate. As discussed above, Chapter 2, which is supposed to describe in detail each alternative, does not describe all characteristics of each alternative, including the changes at each roadway crossed by the proposed HST alignments. Similarly, the Merced to Fresno Section Transportation Technical Report does not describe all characteristics of each alternative. As a result, the DEIS lacks sufficient information concerning the characteristics of the alternatives upon which to base a sufficiently detailed project-level analysis.

Neither the DEIS chapter concerning Transportation impacts nor the Transportation Technical Report analyze the construction and operational impacts to traffic on Avenue 12 in the vicinity of Church & Dwight's facility. Much of the attention is focused instead on urban areas, in the vicinity of proposed stations and HMFs. Only one paragraph in the Transportation Technical Report is devoted to analyzing the myriad construction-related traffic impacts that would occur in rural areas.⁷⁰ This paragraph concludes, without any supporting substantial evidence and with no detailed analysis, that these construction-related traffic impacts would be negligible under NEPA. This cursory and unsupported analysis, which is merely repeated

⁷⁰ See Transportation Technical Report, p. 6-172.

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verbatim in the DEIS⁷¹, is insufficient under NEPA. Constructing the overpass at Avenue 12, as well as other overpasses and changes to rural roads, will have traffic impacts that must be addressed in the revised and recirculated DEIS.

The cursory discussion under the heading Regional Transportation Impacts from Construction Material Hauling is similarly deficient because it dismisses the possibility of significant traffic impacts caused by construction material hauling without any real analysis. The Segment will require the importation by rail and truck of a massive amount of materials. Transportation of these materials will impact a wide variety of roadways across a wide region of the state.⁷² The potential for these construction related traffic impacts across the region is substantial, and must be analyzed with a much greater degree of care. As it stands, the so-called analysis merely dismisses the potential for impacts with no substantial evidence to support the conclusion.

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2. The Efficacy of Proposed Mitigation Measures is Not Analyzed and the Mitigation Measures are Not Enforceable.

"Under NEPA, discussion of mitigation must be 'reasonably complete' and detailed enough to 'ensure that environmental consequences have been fairly evaluated.'"⁷³ "A necessary aspect of a 'reasonably complete' discussion is an assessment of the efficacy of the mitigation measures considered."⁷⁴ "A perfunctory description or mere listing of mitigation measures, without supporting analytical data, is inadequate."⁷⁵

The DEIS concludes, without supporting evidence or any level of analysis, that mitigation measures proposed at the programmatic EIS/EIR stage would reduce most transportation impacts to less-than-significant levels.⁷⁶ Some of the discussion concerning these measures was apparently simply copied without modification from the first-tier documents:

Sufficient information is not available at this programmatic level to conclude with certainty that the above mitigation strategies would reduce impacts around stations to a less than significant level in all circumstances. This document therefore concludes that traffic impacts around station areas may be significant, even with the application of mitigation strategies. Additional environmental assessment would allow a more precise evaluation in the second-tier, project-level

⁷¹ See DEIS, p. 3-2-34.

⁷² See, e.g., *id.* at p. 3-9-3 [Figure 3-9-1 -- depicting locations of five rock quarries in other areas of the state with capacity to supply the ballast and sub-ballast material for the segment].

⁷³ *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1282 (E.D. Cal. 2010), quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989).

⁷⁴ *Ibid.*, citing *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1381 (9th Cir. 1998).

⁷⁵ *Ibid.*, quoting *Nat'l Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001).

⁷⁶ See DEIS, p. 7-2.

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environmental analyses. The co-lead agencies will work closely with local government agencies at the project level to implement mitigation strategies.⁷⁷

Because the DEIS is supposed to analyze the transportation impacts of the Segment at the project level, it must be revised to fully analyze the effectiveness of each of the proposed mitigation strategies identified at the first-tier stage.

The project-specific measures identified in the DEIS are deficient in several respects. The DEIS does not describe these measures in sufficient detail, it does not analyze their feasibility, and it does not analyze the impacts that would be caused by these measures. For example, the DEIS does not analyze the availability of off-street parking around each of the proposed station sites, does not identify potential remote parking sites for construction workers, does not analyze the traffic impacts that could be caused when using remote parking sites and does not analyze the feasibility of using shuttle buses to transport workers from remote parking sites. These are just some of the deficiencies of one of the nine generic measures for transportation impacts mentioned in the DEIS.⁷⁸ The DEIS fails to analyze the efficacy of these measures if they are implemented during the prolonged construction of the Segment.⁷⁹ Construction-related transportation impacts will obviously be significant, and must be addressed in the revised DEIS.

Mitigation Measure TR MM#1, concerning maintaining access for property owners, is deficient. The measure does not provide performance standards and it does not state what additional measures will be taken if alternative road access is not feasible and the property cannot be acquired. This measure would apparently apply to access impacts at Church & Dwight's property if either of two alternatives are selected. It is therefore especially important to our client that the efficacy of this measure be tested at this location. Of course, the measure's efficacy must also be tested at all other locations where the HST system will impact property access.

The DEIS fails to provide any supporting analytical data concerning the efficacy of the measures designed to address HST Intersections and Roadway Impacts (Measures TR MM#3 through TR MM#11) with respect to many of the intersections and roadways that would be impacted by the Project, including Avenue 12 in vicinity of Church & Dwight's facility. The perfunctory listing of these measures, without additional analysis, violates NEPA's requirements.⁸⁰

⁷⁷ *Ibid.*

⁷⁸ *Id.* at pp. 7-2 - 7-3.

⁷⁹ *See id.* at p. 2-96 ["the Authority intends to begin final design and project construction in the fall of 2012, with construction to be completed by December 2019 for the HST track and stations and by December 2021 for the HMP"].

⁸⁰ *See Leavine to Save Lake Tahoe*, 739 F. Supp. 2d at p. 1282.

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C. Impacts to Air Quality

The analysis does not explain the methodologies and assumptions that form the basis of the analysis. For example, the DEIS vaguely explains:

Project-specific data, including construction equipment lists and the construction schedule, were used when available. Where project-specific data were not available, URBEMIS 2007 default settings were used. Calculations were performed for each year of construction.

However, the DEIS does not explain what project-specific data was not available, nor does it explain the model default settings that were used in lieu of project-specific data.

The Air Quality chapter's discussion of the Segment's construction schedule differs from the schedule discussed in the Alternatives chapter.⁸¹ In addition, the Air Quality chapter does not mention the survey and preconstruction activities identified in the Alternatives chapter. These activities will also have air quality impacts that must be considered in the analysis.

The Air Quality section fails to accurately report existing air quality conditions. For example, Figure 3.3-3 does not report the Merced M Street Monitoring Station air pollutant levels, but instead repeats the Merced Coffee Street Monitoring Station levels.

The DEIS discussion concerning air quality impacts associated with hauling track ballast and subballast does not identify the amount of ballast material that would be imported, nor does it explain where this massive amount of crushed rock material would likely come from.⁸² An adequate and informative analysis must disclose this fundamental information. The Air Quality Technical Report includes a table that provides cursory information concerning the estimated amount of ballast expected to be used, but this information is not incorporated into the DEIS.⁸³ In addition, the technical report does not provide a total figure for ballast materials available within the air basin and the amount of ballast material expected to be imported from out of the air basin.

The Air Quality Technical Report states that because "[t]he rail would be delivered by train car through railroads near the project site within the existing railroad operation capacity . . . the associated emissions of rail delivery were not included in the analysis."⁸⁴ This approach is inappropriate, however, because many additional train trips will necessarily be required to deliver the substantial volume of rail material.⁸⁵ Further, other equipment, such as cranes and forklifts, will presumably be necessary to transport the rail from the delivery car to the track

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⁸¹ Compare DEIS, p. 3.3-21 - 3.3-22 with *id.* at pp. 2-97 - 2-100.

⁸² Some limited information concerning the potential sources of ballast material is provided in the chapter on soils and geology, but the air quality chapter fails to incorporate or cross-reference this information. *Id.* at pp. 3.9-2 - 3.9-3.

⁸³ Air Quality Technical Report, pp. 6-25 - 6-26.

⁸⁴ *Id.* at p. 6-20.

⁸⁵ *Id.* at pp. 6-25 - 6-26.

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sites. The emissions of all of this equipment must be calculated to achieve an accurate measure of the air quality emissions associated with Segment construction.

The DEIS also failed to consider the emissions associated with delivering and applying millions of gallons of water during the prolonged construction phase.⁸⁶ Water will presumably need to be hauled by truck to project disturbance areas, but the DEIS fails to identify the likely sources of water for each area within the 65-mile long segment, or the distances trucks must travel to deliver water. These water deliveries, along with the application of water to stockpiles, unpaved construction areas and roads, will contribute significantly to construction phase emissions of a variety of harmful pollutants.

D. Impacts to Water Supplies

1. Failure to Analyze Construction-Related Impacts to Water Supplies

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This chapter of the DEIS/R states that the “[w]ater demand estimates for construction are based on an estimated 5-year construction period concluding in 2020.” This approach is likely to underestimate the construction-related water demand because it assumes construction will be completed at the early end of the estimated timeline described in the Alternatives chapter. The DEIS should be revised to reflect a conservative construction period of approximately 6.25 years.⁸⁷

This area of the San Joaquin Valley receives an average of 11 inches of rain per year, with the vast majority of that rain occurring from October through March.⁸⁸ During the late spring through early winter, the area is dry and arid.

The DEIS relies on outdated information concerning current groundwater levels in the area that will be impacted by the Segment. For example, the discussion of groundwater levels near the City of Merced rely on information from the County produced in 1990.⁸⁹ Groundwater levels in the Merced region have fluctuated significantly since then, with recent drops due to increased water demand.⁹⁰ In addition, recently the U.S. Bureau of Reclamation reported that three of the subbasins in the San Joaquin River Hydrologic Region (Chowchilla, Eastern San

⁸⁶ See generally DEIS, Ch. 3-3, Air Quality; see also Air Quality Technical Report.

⁸⁷ DEIS, p. 2-97, Table 2-15 [describing average duration for each construction phase from mobilization and site preparation through light construction].

⁸⁸ See DEIS, p. 3.8-10; see also Air Quality Technical Report, p. 5-1 [“January is typically the wettest month of the year with an average of about 2 inches of rain”].

⁸⁹ See *id.* at p. 3.8-21.

⁹⁰ See WSA for Wal-Mart Regional Distribution Center (City of Merced, 2006), p. 18 [“On average, the subbasin water level has declined nearly 30 feet from 1970 through 2000. The period from 1970 through 1978 showed steep declines totaling about 15 feet. The 10-year period from 1978 to 1988 saw stabilization and a rebound of about 10 feet. 1988 through 1995 again showed steep declines, bottoming out in 1996 with water levels rising from 1996 to 2000. Water level declines have been more severe in the eastern portion of the subbasin”], available at: <http://www.cityofmerced.org/civica/filebank/blobdload.asp?BlobID=7096>.

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Joaquin, and Madera) are in a critical condition of overdraft.⁹¹ The DEIS must be updated to reflect accurate baseline water supply conditions; this will enable measurement and reporting of the true severity of the Segment’s impacts to water supplies.

Because the soils in the area are prone to wind erosion during construction, dust control is a necessary mitigation measure to control particulate matter air pollution. Measures required to control dust may include⁹²:

- All disturbed areas, including storage piles, that are not being actively utilized for construction purposes, will be effectively stabilized of dust emissions *using water* or a chemical stabilizer/suppressant, or covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads will be effectively stabilized of dust emissions *using water* or a chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities will be effectively controlled of fugitive dust emissions by utilizing an application of *water* or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building will be *wetted* during demolition.
- When materials are transported offsite, all material will be covered or effectively *wetted* to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
- All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient *wetting* to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, piles will be effectively stabilized of fugitive dust emissions utilizing sufficient *water* or a chemical stabilizer/suppressant.

The DEIS recognizes that water will be used for dust control during construction⁹³, but underestimates the quantity of water that will be needed to control dust during the prolonged construction period for this Segment of the HST system.

⁹¹ See Draft Program EIS/R for San Joaquin River Restoration Program (USBR, April 2011) p. 12-15, citing California Water Plan Update (DWR 2009), available at: http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=7560.

⁹² See DEIS, p. 3.3-8 [discussing SJVAPCD Rule 8011 requirements].

⁹³ See DEIS, p. 3.3-19 [“Control measures that construction contractors will be required to implement as outlined in the Statewide Program EIR/S were incorporated in the analysis, such as *watering unpaved access roads three times*”].

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The DEIS also fails to provide sufficient information concerning its assumptions for construction-period water use. The cursory information summarized in Table 3.6-11, entitled "Construction Phase Water Consumption," does not reveal critical information, including (1) the amount of disturbed acres that will be watered daily for dust control or (2) the assumed quantity of water that will be applied to each acre of disturbed areas per day to control dust.

A project that will require the use of millions of gallons of water for construction, located in an arid region already experiencing substantial groundwater overdraft, cannot possibly be found to have a "negligible" or "beneficial" impact to water supplies under NEPA.⁹⁴ The DEIS asserts that the impact may be beneficial "due primarily to a reduction in irrigated agricultural lands" but the estimated amount of agricultural lands that would be taken out of production, reported elsewhere in the DEIS, is not substantiated in the DEIS or in any of the technical appendices.⁹⁵ The cursory dismissal of this potentially significant impact to water supplies constitutes a failure to take a "hard look" at this critically important subject.

2. Failure to Adequately Analyze the Segment's Impacts to Aquifer Recharge

The DEIS acknowledges that, once built, the Segment could impact recharge of groundwater aquifers.⁹⁶ After this acknowledgment, this cursory section concludes, without any supporting evidence that "[b]ecause of the narrow linear project footprint, impacts on groundwater recharge would be negligible under NEPA and less than significant under CEQA."⁹⁷ This analysis and determination falls short of what NEPA requires in several respects.

First, the issue of groundwater recharge is of critical importance in the area affected by the Segment, and must therefore be addressed responsibly in this analysis. Indeed, the DEIS concedes that groundwater resources in the area are already in a state of chronic and severe depletion, noting for example that:

In Madera County, groundwater is the main source of both urban and agricultural water. Groundwater pumping greatly exceeds natural recharge, a condition known as overdraft. The current average annual overdraft in the valley floor portion of Madera County, which includes the study area for both alternatives, is approximately 100,000 acre feet per year.⁹⁸

daily, watering disturbed areas two times daily, and promptly replacing ground cover over disturbed areas"]. emphasis added.

⁹⁴ See *id.* at p. 3.6-29; see also *id.* at p. 3.8-25; but see *id.* at p. 3.8-31.

⁹⁵ See *id.* at p. 3.8-31.

⁹⁶ *Id.* at p. 3.8-33 ["Portions of the study area serve as recharge areas. . . . In these areas, the project . . . would reduce infiltration and groundwater recharge because the alternatives would increase impermeable surfaces and redirect runoff"].

⁹⁷ *Ibid.*

⁹⁸ DEIS, p. 3.8-21, citations omitted.

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Since the groundwater in the Segment area is already subject to extreme overdraft, even a modest reduction in recharge could result in a cumulatively significant contribution to the already dire condition of the groundwater table.

Second, the statement regarding the "narrow linear project footprint" does not provide substantial evidence to support the conclusion that the Segment's interference with recharge will be "negligible." To reach this conclusion, the total amount of area rendered impermeable would need to be calculated, the level of interference with groundwater recharge would need to be calculated, and then this would need to be compared against some quantitative or qualitative significance criteria that took account of the high reliance on and already depleted status of groundwater resources in the project area. Without this information, the statement about the project's "negligible" effects on groundwater recharge is wholly conclusory.

Third, as discussed further below, the DEIR improperly piecemeals the analysis of the Segment's impacts to aquifer recharge by considering the Segment in isolation, rather than as part of a whole HST system.

3. Failure to Consider the Impacts of this Segment and Neighboring HST Segments on Groundwater Pumping and Aquifer Recharge

The Segment's impacts on groundwater pumping and recharge cannot be viewed in isolation from the larger HST system's impacts on groundwater pumping and recharge. That is, if other segments of the HST Project would result in similarly substantial groundwater pumping and impermeable surfaces that would (taken together) significantly interfere with the levels and recharge of groundwater aquifers that are also affected by this Segment, then the cumulative impacts of those other segments on groundwater levels and recharge must also be considered in the DEIR, so that the impacts to groundwater of the HST system as a whole are considered. One cannot "segment" or "piecemeal" this analysis under NEPA by concluding that each separate segment, considered independently, would result in less than significant adverse recharge impacts.⁹⁹ the division between segments analyzed by the Authority is in no way correlated with groundwater basins, the DEIS's analysis of impacts to these basins cannot ignore the contributing impacts of neighboring segments. This type of piecemealing/segmentation is prohibited under NEPA.¹⁰⁰

E. Impacts to Water Quality

1. Inadequate Analysis of the Segment's Impacts to Rivers, Streams and Other Drainage Features

The DEIS acknowledges that constructing the HST line will require in-stream work at water crossings, but summarily dismisses the possibility of significant construction-related

⁹⁹ The first-tier environmental review documents may have addressed the whole of the Project's impacts on aquifer recharge in the various groundwater basins and subbasins, but these documents are not cited in this analysis or otherwise incorporated by reference.

¹⁰⁰ See Mandelker, *NEPA Law and Litigation* (2d ed., rel. 8. 2010), pp. 9-34 - 9-35.

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impacts to water quality.¹⁰¹ The analysis similarly concludes, without any supporting evidence, that design features of the HST system and mitigation measures would reduce impacts to water quality to negligible levels.¹⁰² The DEIS provides no evidence or quantitative analysis to support these conclusions.

The FRA must provide the public with a complete and final Hydrology Report and Storm Water Pollution Prevention Plan ("SWPPP") before selecting an alternative. Information normally contained in these reports helps the public understand and assess the water table, the natural flow pattern onsite and offsite and the measures adopted to address flooding.¹⁰³ Without the basic information contained in these reports, the public cannot meaningfully assess the Segment's impacts.

The FRA's failure to provide accurate information on impacts to drainages precludes meaningful public input on the Proposed Action's affect on drainages and on alternatives to the Proposed Action. The FRA must provide this information so that it can take a hard look at impacts to the drainages and provide mitigation where feasible. Feasible mitigation measures include compensation to restore and enhance bioswales and downstream drainages.

The analysis also fails to consider the impacts to water quality that may be caused by project design features that will be developed "[d]uring the detailed design phase."¹⁰⁴ For example, constructing onsite stormwater management facilities may cause increased turbidity and erosion to downstream waters. The DEIS calls for using "quarry stone, cobblestone, or their equivalent for erosion control along rivers and streams, complemented with native riparian plantings or other natural stabilization alternatives that would restore and maintain a natural riparian corridor, where feasible."¹⁰⁵ but does not analyze the impacts to water quality and biological functions and values that will result from such modifications to natural river and stream channels. These optional design features are also insufficiently described.

2. Failure to Consider Compliance with Section 1602 of the
California Fish & Game Code

The Segment will require a streambed alteration agreement from the CDFG under Section 1602 of the Fish & Game Code. However, the DEIS includes only a passing reference to this requirement.¹⁰⁶ Fortunately, under NEPA, the FRA's effects analysis must identify possible conflicts between the Segment and State laws and regulations.¹⁰⁷

¹⁰¹ DEIS, p. 3.8-24 - 3.8-27.

¹⁰² *Id.* at pp. 3.8-24, 3.8-31 - 3.8-32, 3.8-34 - 3.8-35.

¹⁰³ *Id.*

¹⁰⁴ *Id.* at p. 3.8-37

¹⁰⁵ *Ibid.*

¹⁰⁶ DEIS, p. 3.8-3.

¹⁰⁷ 40 C.F.R. §§ 1506.2(d), 1502.16(c).

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The California Fish & Game Code requires project applicants to obtain a streambed alteration agreement from the CDFG before substantially diverting, obstructing, or changing a river, stream, or lake.¹⁰⁸ A "stream" is defined as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life.¹⁰⁹ This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.¹¹⁰

Each of the alternatives considered in the DEIS would cross several rivers and streams within the CDFG's jurisdiction.¹¹¹ Construction of the Segment and associated infrastructure, including bridges and transmission line access and spur roads, will alter the natural flow patterns of these drainage features. Thus, the CDFG must issue a streambed alteration agreement before any Segment construction activities impact these drainage systems.

Because a streambed alteration agreement is required from the CDFG before modifications to the drainages can occur, the FRA must ensure compliance with Section 1602 of the Fish & Game Code before approving the Project.¹¹² Failure to receive the necessary permits could jeopardize downstream drainages and wildlife, as well as violate California law. The FRA must revise the DEIS to reflect and disclose compliance with the Fish & Game Code.

F. Impacts to Biological Resources and Special-Status Species

1. The Analysis of Impacts to Biological Resources Relies on
Incomplete Baseline Data.

The DEIS analysis of impacts to biological resources is not based on an accurate environmental baseline for these resources. The DEIS reports that field surveys for special status plant species were conducted in the early spring in accordance with established protocol¹¹³, but does not acknowledge the numerous substantial limitations of these surveys. For example, as the technical report points out, surveys were not conducted on private lands where access was not readily granted.¹¹⁴ Later, it is revealed that approximately 80% of the study area for impacts to biological resources have not been surveyed as a result of this limitation.¹¹⁵ In addition, as of yet, no *fall* rare plant surveys have been conducted, as is recommended.¹¹⁶ Similar baseline

¹⁰⁸ Cal. Fish & Game Code § 1602.

¹⁰⁹ Dep't of Fish & Game, A Field Guide to Lake and Streambed Alteration Agreements Sections 1600-1607 (1994).

¹¹⁰ *Id.*

¹¹¹ DEIS, pp. 3.8-26 - 3.8-27.

¹¹² DEIS p. 2-16; Comprehensive Biological Assessment p. 59.

¹¹³ DEIS, p. 3.7-6.

¹¹⁴ See Biological Resources and Wetlands Technical Report, pp. 3-15 - 3-23; *see also* Special-Status Plants Survey Report Merced to Fresno Section, pp. 3-7 - 3-8. The DEIS identifies the relatively limited acreage within the Segment's disturbance area that was surveyed for special status plants (18% in March 2011 and 21% in April and May), but this information is not provided for surveys for other biological resources. *See* DEIS, p. 3.7-8.

¹¹⁵ *Id.* at p. 3-23.

¹¹⁶ *Id.* at pp. 3-16 - 3-17, 3-23; *see* Attachment D, CNPS Botanical Survey Guidelines (Rev'd June 2, 2001), p. 2.

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problems compromise the analysis of impacts to wildlife and to wetlands and other jurisdictional waters.¹¹⁷

Despite incomplete information regarding the presence of rare plants, wetlands and special-status wildlife both on and near the Segment's potential disturbance areas, the DEIS concludes that almost all of the Project's impacts to these biological resources will be reduced to negligible levels through mitigation.¹¹⁸ The botanical, wetland and wildlife surveys, however, have not provided an adequate basis for (1) analyzing potential Project impacts or (2) supporting this conclusion as to impacts.

Although the DEIS attempts to analyze the impacts and formulate mitigation measures before adequate survey data are obtained, the analysis and mitigation may change after the additional survey efforts are better able to identify impacts to rare plants, wetlands and special-status wildlife. The revised baseline data that makes up the affected environment must be shared with the public and the public should have the opportunity to comment. Without this information, the affected environment is inadequately defined in the DEIS.

2. The Analysis of Impacts to Biological Resources is Not Sufficiently Specific, is Confusing, and thus Fails to Provide Information Sufficient to Compare Alternatives.

"The critical inquiry in considering the adequacy of an EIS prepared for a large scale, multi-step project is not whether the project's site-specific impact should be evaluated in detail, but when such detailed evaluation should occur."¹¹⁹ In this case, the time for detailed site-specific analysis is now, because no further environmental review will be conducted for this segment.

The generic and qualitative discussion of construction and operation direct and indirect impacts to biological resources that would be caused by each alternative fails to satisfy NEPA's requirement to provide detailed information sufficient to allow a clear comparison between alternatives.¹²⁰ For example, the analysis of indirect construction impacts to special status wildlife species under each alternative is repeated virtually verbatim.¹²¹

The FRA must conduct detailed surveys for plant and wildlife species that may be impacted by the Segment. While 100% survey coverage of the large disturbance area may not be feasible, the FRA must make a concerted effort to gather as much detailed information concerning the biological resources that may be impacted by the Segment as it reasonably can. This is especially important here, because the linear nature of the 65±mile Segment means it will impact a wide variety of habitats.

¹¹⁷ See DEIS, pp. 3.7-6 - 3.7-7, *see also* Biological Resources and Wetlands Technical Report, pp. 3-17 - 3-22.

¹¹⁸ *Id.* at pp. 3.7-130 - 3.7-131.

¹¹⁹ *State of Cal. v. Block*, 690 F.2d 753, 761 (9th Cir. 1982).

¹²⁰ See DEIS, pp. 3.7-43 - 3.7-63; *see also* 40 C.F.R. § 1502.14.

¹²¹ See *id.* at pp. 3.7-58 - 63.

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Further, the organization and structure of the analysis is not sufficiently clear to even the experienced reviewer of environmental review documents. Because many of the headings are identical and not numbered, and the analysis appears identical in many sections, it is quite easy to become confused about which aspect of the project or which type of impact is being discussed in a particular section. The DEIS should be revised to include numbered headings and to more clearly describe the type of impact analyzed at the beginning of each section.

3. The Analysis of Impacts to Several Protected Wildlife Species is Deficient.

Under NEPA, "the EIS must set forth sufficient information for the general public to make an informed evaluation [Citation] and for the decisionmaker to 'consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action.'"¹²² "The purpose of an EIS is to obviate the need for . . . speculation by insuring that available data are gathered and analyzed prior to the implementation of the proposed action."¹²³

Because only very limited focused and protocol-level plant and wildlife surveys have been conducted¹²⁴, the DEIS fails to adequately analyze the Segment's impacts to plant and wildlife species. Below, we describe some of the inadequacies in the analysis concerning three protected species, but this problem pervades the analysis of impacts to every species present within the Segment area.

(a) Inadequate Analysis of Impacts on the Western Burrowing Owl

The Western Burrowing Owl ("WBO") is protected by the Migratory Bird Treaty Act, considered a Bird of Conservation Concern by the USFWS, and Sensitive species by the FRA.¹²⁵ The WBO's special status both federally and within the State mandates that the FRA take a hard look at any potential impacts the Project may have on the species. The FRA has not conducted surveys that follow established protocol for the WBO.¹²⁶ Instead, only *very limited* surveys have been conducted and a mitigation measure calls for protocol-level surveys.¹²⁷ The FRA must revise the DEIS to contain a hard look at the Project's impacts to the species.

¹²² *Sierra Club v. U.S. Army Corps of Engineers*, 701 F.2d 1011, 1029 (2d Cir. 1983).

¹²³ *Sierra Club v. U.S. Forest Serv.*, 843 F.2d 1190, 1195 (9th Cir. 1988).

¹²⁴ See, e.g., Biological Resources and Wetlands Technical Report, p. 3-16 ["Protocol-level surveys for [valley elderberry longhorn beetle] were not conducted"], p. 5-56 ["Where property access was granted, focused special-status plant surveys were conducted"], p. 5-60 ["No focused surveys were conducted for special-status wildlife species"]; *see also id.* at pp. 5-130, 5-133 [mitigation measures requiring protocol-level surveys for Western Burrowing Owl and San Joaquin kit fox].

¹²⁵ U.S. FISH & WILDLIFE SERV., STATUS ASSESSMENT & CONSERVATION PLAN FOR THE WESTERN BURROWING OWL IN THE UNITED STATES pp. 4-5 (2003).

¹²⁶ See Attachment E, CDFG Staff Report on Burrowing Owl Mitigation (October 1995), pp. 4-5.

¹²⁷ DEIS, p. 3.7-116; *see also* Biological Resources and Wetlands Technical Report, p. 5-130.

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The DEIS acknowledges that suitable habitat for WBO exists along each of the alternative routes for this Segment.¹²⁸ The biologists that conducted limited field surveys may have missed observing burrowing owls because the surveys were deficient. It is important that the FRA specifically determine the extent to which the WBO is present within the areas that could be affected by each of the alternative route. This determination is essential for analyzing impacts to the WBO, selecting between alternatives, and adequately mitigating potentially significant impacts. The DEIS must be revised to include: (1) accurate baseline information regarding the presence of WBO along each alternative route, (2) a detailed analysis of how each alternative would impact the WBO and (3) mitigation measures that would avoid or reduce impacts to WBO.

(b) Inadequate Analysis of Impacts on the Golden Eagle

The Golden eagle is protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. A Golden eagle was observed "in non-nesting, vernal pool habitat along the BNSF alignment."¹²⁹ Despite this observation, the analysis of the Segment's impacts on species does not even mention potential impacts to the Golden eagle.

Because a Golden eagle was observed near the BNSF alternative route and typical prey species occur in the area, it is reasonable to assume the Segment is within the hunting territory of the Golden eagle. The FRA must therefore consult with the USFWS and conduct a focused survey for this species. No focused surveys for Golden eagles have been conducted, however. Instead a pre-construction survey would be required as a mitigation measure.¹³⁰ The DEIS must be revised to reflect the survey results and must provide a thorough analysis of the Segment's impacts to this fully protected species.

(c) Inadequate Analysis of Impacts on the San Joaquin Kit Fox

The San Joaquin kit fox ("kit fox") is listed as endangered under the ESA and as threatened under the CESA. The DEIS recognizes the potential for the kit fox to forage and den in the areas that would be affected by the Segment.¹³¹

As with other species with high potential to occur in the areas that would be impacted by the Segment, no protocol-level surveys have been conducted for the kit fox. Instead, a pre-construction survey for this species is proposed as a mitigation measure.¹³² Again, this deferred approach to establishing the environmental baseline and analyzing impacts is inadequate under NEPA.

¹²⁸ DEIS p. 3.7-57.

¹²⁹ Biological Resources and Wetlands Technical Report, p. 5-32.

¹³⁰ See DEIS, pp. 3.7-114 - 3.7-115; see also Biological Resources and Wetlands Technical Report, pp. 5-128 - 5-129.

¹³¹ See, e.g., DEIS, pp. 3.7-7, 3.7-45, 3.7-58, 3.7-62, 3.7-70 - 3.7-71.

¹³² See DEIS, p. 3.7-119.

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4. The DEIS Fails to Disclose FRA's Consultation and Potential Permit Under the Endangered Species Act.

(a) General Obligations Under the ESA

The ESA prohibits "take" of threatened and endangered species.¹³³ "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct."¹³⁴ "Harm" includes "the destruction or adverse modification of habitat resulting in potential injury to a species, including injury from impairment of essential behavioral patterns, such as breeding, feeding or sheltering."¹³⁵

Section 7(a)(2) of the federal Endangered Species Act ("ESA") prohibits agency action that is "likely to jeopardize the continued existence" of any endangered or threatened species or "result in the destruction or adverse modification" of its critical habitat.¹³⁶ To "jeopardize the continued existence of" means "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species."¹³⁷ An action is "jeopardizing" if it keeps recovery "far out of reach," even if the species is able to cling to survival.¹³⁸ Thus, "an agency may not take action that will tip a species from a state of precarious survival into a state of likely extinction. Likewise, even where baseline conditions already jeopardize a species, an agency may not take action that deepens the jeopardy by causing additional harm."¹³⁹ To satisfy this obligation, the federal agency undertaking the action (here, the FRA) must prepare a "biological assessment" that evaluates the action's potential impacts on species and species' habitat.¹⁴⁰

If the proposed action "is likely to adversely affect" a threatened or endangered species or adversely modify its designated critical habitat, the FRA must engage in "formal consultation" with the U.S. Fish and Wildlife Service ("USFWS") to obtain its biological opinion as to the impacts of the proposed action on the listed species.¹⁴¹ The DEIS recognizes this requirement, but improperly treats consultation as part of the proposed mitigation measures.¹⁴²

¹³³ 16 U.S.C. § 1538 (2010).

¹³⁴ *Id.* at § 1532(19).

¹³⁵ 50 C.F.R. § 17.3.

¹³⁶ 16 U.S.C. § 1536(a)(2).

¹³⁷ 50 C.F.R. § 402.02; see also *Nat'l Wildlife Fed'n v. NAFS*, 524 F.3d 917 (9th Cir. 2008) [rejecting agency interpretation of 50 C.F.R. § 402.02 that in effect limited jeopardy analysis to survival and did not realistically evaluate recovery, thereby avoiding an interpretation that reads the provision "and recovery" entirely out of the text].

¹³⁸ *Id.* at 931.

¹³⁹ *Id.* at 930.

¹⁴⁰ 16 U.S.C. § 1536(c); 50 C.F.R. § 402.12(a).

¹⁴¹ *Id.* at § 1536(a)(2), (b)(3); see also 50 C.F.R. § 402.14(a), (g).

¹⁴² See DEIS, pp. 3.7-3 [Table 3.7-1], 3.7-43, 3.7-120, 3.7-128 - 3.7-129.

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Once the consultation process has been completed, USFWS must give the FRA a written biological opinion "setting forth [USFWS's] opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat."¹⁴³ If USFWS determines that jeopardy or destruction or adverse modification of critical habitat is likely, USFWS "shall suggest those reasonable and prudent alternatives which [it] believes would not violate subsection (a)(2) of this section and can be taken by the Federal agency or applicant in implementing the agency action."¹⁴⁴ "Following the issuance of a 'jeopardy' opinion, the [FRA] must either terminate the action, implement the proposed alternative, or seek an exemption from the Cabinet-level Endangered Species Committee pursuant to 16 U.S.C. § 1536(e)."¹⁴⁵

(b) The FRA and USFWS Must Consult Concerning Compliance with ESA for the Segment and the Entire HST System.

Like NEPA, federal agency action is broadly defined under the Endangered Species Act.¹⁴⁶ Thus, when fulfilling their duties under the ESA, federal agencies must also take a broad view of the project and its potential effects, as demonstrated by the following definitions in the ESA regulations:

Action area - "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action."

Effects of the action - "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration."¹⁴⁷ "Effects of the action" include both direct and indirect effects of an action "that will be added to the environmental baseline."¹⁴⁸

Environmental baseline - includes "the past and present impacts of all Federal, State or private actions and other human activities in the action area" and "the anticipated impacts

¹⁴³ 16 U.S.C. § 1536(b)(3)(A); see also 50 C.F.R. § 402.14(h).

¹⁴⁴ *Ibid*.

¹⁴⁵ *National Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 652 (2008).

¹⁴⁶ 50 C.F.R. § 402.02. These regulations implement 16 U.S.C. § 1536(a)(2), which requires federal agencies to consult with the Secretary of Interior and/or Secretary of Commerce to "insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') is not likely to jeopardize the continued existence of any endangered species or threatened species"

¹⁴⁷ *Id.* at § 402.02.

¹⁴⁸ *Ibid*.

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of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation."¹⁴⁹

As the above discussion demonstrates, what constitutes agency action and the scope of environmental review required for agency action is virtually the same under NEPA and ESA. Thus, FRA should take a consistent approach to the HST system as a whole and the Segment under both statutes. Instead, the DEIS appears to treat other segments of the HST system as separate projects.

We note that a similar situation exists with respect to the Bay Area to Central Valley segment of the HST system and the Fresno to Bakersfield segment. These two segments also need FRA approval and Section 7 consultation. As discussed below, the Segment, together with all other Segments of the proposed HST system, would have the potential to significantly impact species protected under the ESA in numerous respects not considered in the DEIS.

(c) The DEIS Fails to Disclose Section 7 Consultation.

Under ESA Section 7, a federal agency must initiate consultation with the USFWS "at the earliest possible time" whenever the agency proposes to undertake an action that "may affect" a listed species or species' critical habitat.¹⁵⁰ If a "may affect" determination is made, which is certain for the proposed Segment and the HST system as a whole, then the USFWS must develop and issue a biological opinion containing terms and conditions to ensure that the activities are not likely to jeopardize protected species.¹⁵¹ Furthermore, USFWS's issuance of a biological opinion requires environmental review under NEPA.

The DEIS acknowledges that the FRA must initiate consultation with the USFWS¹⁵², but it does not describe the status of such consultation and it fails to confirm that all terms and conditions associated with these consultations would be implemented. In addition, the DEIS fails to disclose any of the terms and conditions the USFWS and CDFG would require the FRA and Authority to implement. Indeed, the DEIS provides no indication that Section 7 consultation has yet occurred.¹⁵³ The DEIS also fails to analyze the USFWS's potential issuance of a biological opinion and incidental take permit under Section 7 of the ESA. Therefore, the DEIS is wholly inadequate. The FRA must disclose and analyze these activities in a revised DEIS that is circulated to the public for review and comment.

In sum, the DEIS must disclose the status of FRA consultation with the USFWS and must incorporate the terms and conditions imposed by the USFWS. Without this information, it is impossible for the public to meaningfully assess the environmental effects and mitigation for

¹⁴⁹ *Ibid*; see also *National Wildlife Federation v. National Marine Fisheries Service*, 524 F.3d 917, 924 (9th Cir. 2008).

¹⁵⁰ 50 C.F.R. § 402.14(a).

¹⁵¹ See 16 U.S.C. § 1536.

¹⁵² See, e.g., DEIS, pp. 3.7-120 [describing requirement for Section 7 consultation with respect to impacts to critical habitat], 3.7-124 [Bio-MM#49(2)], 3.7-124 [Bio-MM#49(2)], 3.7-125 [Bio-MM#51].

¹⁵³ See *id.* at pp. 7-6 - 7-8 [description of agency meetings and consultation with no mention of Section 7 consultation].

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impacts to species protected under the ESA. Furthermore, without full public disclosure and opportunity for comment, USFWS will be required to conduct further environmental review under NEPA.

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5. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

An EIS is not complete unless it contains "a reasonably complete discussion of possible mitigation measures."¹⁵⁴ Mitigation expressly includes "avoiding the impact altogether by not taking a certain action or parts of an action."¹⁵⁵ It also includes "minimizing impacts by limiting the degree or magnitude of the action and its implementation."¹⁵⁶ In this case, the DEIS discussion of mitigation measures to avoid or minimize impacts to special-status and other species is inadequate.

(a) Failure to Clearly Identify Applicable Mitigation Measures From Statewide EIS/R

The DEIS fails to identify mitigation measures from the Statewide EIS/R that will be applied to mitigate impacts to each biological resource that will be affected by this Segment. This approach violates NEPA.¹⁵⁷

The following mitigation measures *could be* implemented to reduce substantial, adverse environmental impacts and effects resulting from the construction and operation of the Merced to Fresno Section HST System. These mitigation measures *could be* incorporated into the MMRP and grouped by construction and project periods.¹⁵⁸

Statements under each area of impact (e.g., plants, wildlife, etc.) suggest that measures Bio-MM #1 through Bio-MM #14 could "potentially apply" to mitigate impacts. Without a clear indication of which mitigation measures *will* apply to the Segment, the public is left to wonder which measures will be required and whether impacts will be adequately mitigated. The DEIS must be revised to clearly indicate the measures the FRA intends to apply to this segment and must also conclude whether the applicable measures will effectively avoid or reduce the identified impacts.¹⁵⁹

¹⁵⁴ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

¹⁵⁵ 40 C.F.R. § 1508.20(a).

¹⁵⁶ *Id.* at subd. (b).

¹⁵⁷ *Neighbors of Cuddy Mountain v. United States Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998) (a "perfunctory description" of possible mitigation measures is not adequate to satisfy NEPA's requirements); see also *Idaho Sporting Cong.*, 137 F.3d at 1151 (a "mere listing" of mitigating measures, without supporting analytical data, also is inadequate).

¹⁵⁸ DEIS, pp. 1.7-106.

¹⁵⁹ This comment applies to every measure that uses the phrase "other measures that potentially apply . . . include" or similar language

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(b) Failure to Specify Requirements for Measures Designed to Avoid or Reduce Impacts to Biological Resources

Bio-MM#16, which provides mitigation for impacts to trees, states that trees that will be directly impacted by construction must be transplanted to a "suitable site" but fails to describe where trees should be transplanted to, what criteria applies to transplantation locations or who will decide these important issues. The measure also does not describe any steps that must be taken if transplanted trees do not survive.

Bio-MM#15 and Bio-MM# 43, which require post-construction revegetation of disturbed areas and jurisdictional waters, respectively, are similarly flawed. The measures require revegetation of all disturbed areas using "appropriate plants and seed mixes" but do not provide any criteria for determining what is appropriate in each disturbance area, nor do the measures address who will be responsible for deciding which plants and seeds are appropriate.

Preconstruction surveys are generally conducted within short time before construction is scheduled to begin, in order to ensure an accurate understanding of site conditions and to prevent impacts. If the surveys are conducted too soon, the conditions within the disturbance areas may change (e.g., an animal or plant not present at the time of survey may occupy the surveyed area following the survey). The DEIS fails to specify the timing for various pre-construction surveys. This problem is common to the following mitigation measures:

- Bio-MM#16 (Trees);
- Bio-MM#17 (Rare Plants) (this measure also fails to define the "appropriate" season for conducting preconstruction surveys for rare plants);
- Bio-MM#19 (Invertebrates) - this measure also fails to define the "suitable" interval for conducting preconstruction surveys for wetland habitats;
- Bio-MM#23 (Tiger Salamander);
- Bio-MM#25 (Western Pond Turtle);
- Bio-MM#28 (Raptors);
- Bio-MM#29 (Other Breeding Birds);
- Bio-MM#31 (Swainson's Hawks);
- Bio-MM#36 (Bats); and
- Bio-MM#41 (Kit Fox).

Bio-MM#40, which concerns potential impacts to the American Badger appears to be the only measure that specifies a time limit (30 days) prior to construction within which the surveys must be conducted. The appropriate timing for pre-construction surveys must be developed for each

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of the plant and animal species impacted by the Segment and this timing must be specified in the respective mitigation measure.

Many of the mitigation measures use the term "as feasible." This phrase serves to weaken the measures, diminishing their promised effectiveness because many of the requirements could be summarily determined to be infeasible. The DEIS must carefully restrict the use of the term "as feasible" so that the measures are sufficiently protective.¹⁶⁰

Similarly, measure Bio-MM#7 is so watered down it is meaningless as a protective measure. The measure, entitled, Delineate Environmentally Sensitive Areas and Environmentally Restricted Areas, states "Prior to ground-disturbing activities, *to the extent practicable*, verify that environmental sensitive areas and environmentally restricted areas (ERAs) are delineated *as appropriate*." The emphasized clauses in this provision make the extent of mitigation actually accomplished by this measure impossible to assess. The existence of a significant impact following mitigation, or need for other mitigation, cannot be determined.

- (c) **Mitigation Measures that Require Pre-Construction Surveys for Special-Status Plants and Wildlife and their Habitat do not Correct Inadequate Baseline Information and Impact Analysis.**

Mitigation for impacts to plants and wildlife is similarly inadequate. The DEIS acknowledges that approximately 80% of land that will be disturbed by the Project has never been surveyed for rare plants and special-status species. The mitigation measures attempt to correct this major deficiency by proposing pre-construction surveys for these resources. Similarly, the mitigation measure concerning impacts to jurisdictional waters calls for a formal wetland delineation. Given the extensive and disparate areas that have not been surveyed, this approach constitutes a failure to identify the existing environmental baseline and analyze the Segment's impacts to the plants and wildlife.

- (d) **Measures Requiring Compensatory Mitigation for Impacts to Plants and Animal Species are Inadequate.**

To the extent mitigation is achieved through compensation habitat, it is essential that the mitigation measure include performance standards such as "no net loss" of habitat and equivalent functions and values. Providing a simple ratio for compensation is inadequate, because there is no guarantee the replacement habitat will be of equivalent value to the habitat that is lost. In addition, potential compensation habitat should be identified to ensure that the proposed mitigation strategy is feasible.

¹⁶⁰ This comment applies to every mitigation measure that uses the phrase "as feasible" or similar language

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G. Hazardous Waste Related Impacts

1. Failure to Adequately Analyze Release of Harmful Contaminants During Construction

The DEIS acknowledges the risk of disturbing undocumented contaminated soil and water along the entire length of this Segment, but fails to provide a quantified analysis of this risk and fails to propose any mitigation that would minimize the risk. Instead, the analysis relies on the development of a construction management plan that would "prescribe[] activities for workers to follow in areas with suspected presence of undocumented soil or groundwater contamination based on visual observation or smell."¹⁶¹ The release of contaminants may occur without any visual signs or odors. For example, the release of soils contaminated with arsenic could go undetected because arsenic is colorless and odorless. The analysis must be revised based on a reasonable investigation of the potential for contaminants along each of the alternative routes for the 65-mile segment and mitigation measures must be developed that will adequately protect workers, neighboring communities, and the environment.

The DEIS acknowledges that:

Demolition of buildings and roadways containing asbestos and lead-based materials would require specialized procedures and equipment, and appropriately certified personnel. Buildings and roadways intended for demolition that were constructed before 1980 would be surveyed for asbestos, while those constructed before 1971 would be surveyed for lead. A demolition plan would be prepared for any location with positive results for asbestos or lead. The plan would specify how to appropriately contain, remove and dispose of the asbestos and lead-containing material.¹⁶²

This section provides no information whatsoever on the nature, cost or effectiveness of these "specialized procedures and equipment" or the content of the "plan" that would presumably require these "specialized procedures and equipment." Without additional information about the effectiveness and feasibility of such procedures, it is impossible to determine whether such procedures are likely to avoid the adverse public health impacts associated with lead and asbestos.

Additionally, this section does not indicate that the FRA has made any attempt to determine which buildings/roadways were constructed prior to 1980 (in terms of asbestos) and which buildings/roadways were constructed prior to 1971 (in terms of lead paint). This information is needed to determine the potential extent of the risk of release of hazardous substances during construction and to address public health concerns related to asbestos and lead paint, which in turn would provide the basis for evaluating the significance and scope of such concerns. Information regarding the date of construction for buildings is readily available in

¹⁶¹ See *id.* at p. 3.10-20. The DEIS merely assumes that procedures for detecting hazardous soil and water contamination will be included in the construction management plan, but does not make this a requirement.

¹⁶² *Ibid.*

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local building department files, and pursuant to NEPA's "hard look" requirements, the FRA is required to such readily available files.

In terms of NEPA compliance, the approach for asbestos/lead paint suggested in the DEIS does not constitute adequate mitigation, as there is no information provides about the nature or effectiveness of the mitigation and no benchmarks to ensure its performance.

2. Inadequate Analysis and Unsubstantiated Determination for Sites in Project Area Subject to Deed Restrictions and Institutional Controls

Section 3.10.4.2 states: "[S]ites with closed cases and no further action status *might* be under *deed restrictions* or *other institutional controls* that might hinder subsequent development. These sites are *not* discussed further herein because of the reduced likelihood they would pose a potential health risk."¹⁶³ This section also states, in a similar vein, that "[f]or purposes of this evaluation, historical PECs [Potential Environmental Conditions] are closed cases or have a 'no further action' required status and, as such, were determined unlikely to require further remedial actions."¹⁶⁴ The disclosures and analysis here do not support the determination reached, and furthermore do not satisfy NEPA's "hard look" requirements.

As conceded in this section, many sites with subsurface hazardous contamination are issued "closure" or "no further action" letters in conjunction with deed restrictions and institutional controls. These restrictions and controls are put in place because there are elevated levels of hazardous substance contamination on the site, but this contamination is not likely to lead to releases and exposure *provided the uses and conditions of the site do not change*.

A commonplace "institutional control" forbids excavation and trenching on sites as such activities might disturb and expose the contaminants. The DEIS indicates that, in conjunction with the construction of the Segment, excavation and trenching will generally be required. It is very easy to determine whether a site is subject to a deed restriction or institutional control -- one simply needs to do a title search for the property. Yet, this section of the DEIR indicates that the lead agencies have made no attempt to perform such a title search for the sites in the Segment potential disturbance areas, to determine which of the sites are subject to deed restrictions/institutional controls, the nature of these restrictions/controls, and the extent to which these restrictions/controls are compatible with the Segment's necessary excavation and trenching work. Rather, this section of the DEIS simply states that there "might" be such sites (without any further analysis) and then jumps to the conclusion that all "closed" sites (i.e., sites that have "not further action required status") are unlikely to pose a potential risk in connection with the project.

This analysis fails to meet NEPA's requirements in at least two respects. First, given the availability of title reports, NEPA's "hard look" requirement obligates the lead agencies to go beyond the vague concession that there "might" be sites subject to deed restrictions/institutional controls, and in fact identify and assess those properties that are actually/in fact subject to such

¹⁶³ See *id.* at p. 3.10-10, emphasis added.

¹⁶⁴ See *id.* at p. 3.10-9.

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restrictions/controls. Second, given that the Segment's proposed excavation and trenching are exactly the type of development activities prohibited by many deed restrictions/institutional controls, there is not substantial evidence to support the determination that it is "unlikely" that the project activities would pose a potential health risk in terms of hazardous materials. This determination is not based on facts or analysis but rather is simply raw speculation.

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H. Impacts to Agriculture

The analysis downplays impacts to agriculture by comparing the amount of acres impacted by this Segment of the HST system to the amount of acres in agricultural production in Merced and Madera county. This comparison tends to minimize the severity of the impact by using a large denominator.

1. The DEIS Fails to Clearly Explain and Define Methodology for Evaluating the Project's Impacts to Agricultural Lands.

The DEIS describes the methods used for evaluating the Project's impacts to agricultural lands. With respect to the calculation of permanent conversion of Important Farmlands to nonagricultural use, the DEIS states:

[T]he acreage for the project footprint for each alternative was quantified and identified as being permanently converted to HST use. In addition, analysts examined farmland severance on a parcel-by-parcel basis for each alternative to identify where severance would create two parcels, and result in *remainder parcel(s) that would be too small to be farmed economically*. The quantity of the non-economic remainder parcels was then added to the footprint quantity to identify total Important Farmland converted to nonagricultural use for each alternative.¹⁶⁵

This discussion does not provide any information concerning the analysts' methods for determining which "remainder parcel(s) were too small to be farmed economically." Instead of clarifying this issue, a subsequent section that analyzes the Project's impacts resulting from permanent conversion and parcel severance further confounds it by using undefined and variable terms such as "large agricultural properties," "small remainder parcels," "usable and unusable remainders," "smallest property remainders," and "non-economic remnants."¹⁶⁶ This section also fails to explain the criteria employed to determine whether a small remainder parcel would be "farmable" or be "too small to maintain economic activity." In fact, nowhere in Chapter 3.14 does the DEIS explain how analysts arrived at which remainder parcels were "small remainder parcels," "too small to be farmed economically," or "unusable" and which remainder parcels were "large agricultural properties," "of sufficient size to maintain economic activity," "farmable" or "usable." The DEIS must explain how the analysts approached this critical component of the evaluation of the Project's impacts to agricultural land. Specifically, the DEIS must reveal the methods employed by analysts when determining which remainder parcels were

¹⁶⁵ DEIS, p. 3.14-6, emphasis added.

¹⁶⁶ DEIS, pp. 3.14-27, 3.14-31.

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noneconomic/unusable versus economic/usable. This explanation must describe all factors that played into the analysts' determination of usability versus un-usability.¹⁶⁷

The failure to fully explain and define key facets of the methodology used by analysts to evaluate the Project's impacts on agricultural lands makes it impossible for the public to evaluate whether conclusions in the DEIS are supported by carefully reasoned analysis as required by NEPA. This is particularly important since the DEIS concludes that each of the HST Alternatives "would have negligible effects from severing *large farm parcels* because severance of these parcels would not result in permanent conversion of farmland to a nonagricultural use."¹⁶⁸ Without a clear definition of what constitutes a "large farm parcel," it is impossible to verify the evidentiary support for this conclusion. The DEIS must therefore be revised to clearly explain the analysts' approach for determining the Segment's impacts to agricultural lands.

2. Incomplete Analysis of Aerial Spraying

The DEIS notes that the height of vertical HST structures (i.e. poles and elevated guideways) could impede aerial spraying of adjacent agricultural lands. The DEIS further notes that aircraft currently spray fields where there are utility poles of varying heights.¹⁶⁹ The DEIS then takes a leap and baldly concludes that "[b]ecause vertical HST structures are similar to existing utility structures in and near agricultural fields, changes in spraying patterns are unlikely to cause conversions of agricultural land, and no impact under NEPA or CEQA would occur."¹⁷⁰ In so doing, the DEIS fails to describe and analyze how the HST structures are similar to existing utility structures. Moreover, the DEIS fails to analyze whether the vertical HST structures, *when combined* with existing utility poles, would interfere with aerial spraying and potentially cause conversions of agricultural land. This incomplete and unsupported analysis must, therefore, be revised.

3. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

As previously discussed with respect to the inadequate measures proposed to mitigate the impacts to biological resources, NEPA mandates that an EIS contain "a reasonably complete discussion of possible mitigation measures."¹⁷¹ Furthermore, a "perfunctory description" of

¹⁶⁷ Additionally, the following information should be included in the DEIS to further illuminate the methodology used to determine impacts on agricultural lands: (1) total acreage of agricultural lands impacted by each alternative; (2) total acreage of remainder parcels for each alternative (including total acres of economic/usable parcels and total acres of non-economic/unusable parcels); and (3) total acreage representing the "smallest property remainders" that the Authority will acquire.

¹⁶⁸ DEIS, at p. 3.14-38, emphasis added.

¹⁶⁹ *Id.* at p. 3.14-37.

¹⁷⁰ *Id.* at p. 3.14-37.

¹⁷¹ *Robertson*, 490 U.S. at 352.

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possible mitigation measures is not adequate to satisfy NEPA requirements.¹⁷² In this case, the DEIS' discussion of mitigation measures to minimize impacts to agricultural lands is inadequate.

(a) Measure Requiring Preservation of Agricultural Land is Inadequate.

Ag-MM#1 requires that agricultural conservation easements be established in the "same agricultural regions as the impacts occur."¹⁷³ The phrase "agricultural regions," however, is not defined. "Agricultural regions" could refer to agricultural lands in the immediate vicinity of the agricultural land impacted, or it could refer to agricultural lands within the counties of Merced, Madera, and Fresno, or it even could pertain to the entire Central Valley.

Clarification of the phrase "agricultural regions" is particularly important given the essential roles served agriculture in the region that will be impacted by the Segment. The DEIS acknowledges that the Central Valley is the state's largest agricultural area and that Merced, Madera, and Fresno counties are some of the most agriculturally productive counties.¹⁷⁴ The DEIS further acknowledges that conversions of Important Farmland in each of these counties is occurring despite policies to protect such lands.¹⁷⁵ As it presently reads, it is impossible to determine whether Ag-MM#1 will sufficiently preserve *local* agricultural lands of similar quality and quantity of agricultural lands that would be converted by the Segment. Accordingly, this mitigation measure must be revised to define "agricultural regions" as areas near the selected alternative route with productive agricultural lands of similar quality to the lands impacted by the Segment.

(b) Measure to Consolidate Non-Economic Remnants is Inadequate.

Ag-MM#2 calls for creation of a farmland consolidation program to sell non-economic remnant parcels to neighboring landowners for consolidation with adjacent property to foster continued agricultural use on the "maximum feasible" amount of non-economic remnant parcels.¹⁷⁶ First, as discussed above with respect to the methodology for evaluating the Project's impacts on agricultural resources, the term "non-economic remnant parcels," among other terms used in the analysis, needs to be defined and described. Without such definition, the proposed reach, scope, and potential effectiveness of this mitigation measure is ambiguous.

Furthermore, as previously noted with respect to many of the proposed biological resources mitigation measures, the term "maximum feasible" dilutes the effectiveness of this mitigation measure. Implementing this measure could easily be determined to be infeasible with respect to many of the "non-economic remnant parcels." The DEIS must, therefore, either

¹⁷² *Neighbors of Cuddy Mountain*, 137 F.3d at 1380.

¹⁷³ DEIS, at P. 3.14-37.

¹⁷⁴ *Id.* at p. 3.14-8.

¹⁷⁵ *Id.* at p. 3.14-9.

¹⁷⁶ *Id.* at p. 3.14-37.

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eliminate the use of the term "maximum feasible" or include performance standards that guide the feasibility determination to ensure that the mitigation measure sufficiently promotes continued agricultural uses.

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I. Impacts to Cultural Resources

The purpose of an EIS is to address any major federal action significantly affecting the quality of the human environment.¹⁷⁷ The definition of "human environment," as defined in the NEPA regulations, "shall be interpreted comprehensively to include the natural and physical environments and the relationship of people with that environment."¹⁷⁸

The analysis regarding the Project's impacts to cultural resources is not supported by substantial evidence. The DEIS acknowledges that surveys are incomplete.¹⁷⁹ Such surveys must be completed in order to reach conclusions regarding the Project's impacts to cultural resources and to propose effective and feasible mitigation measures to address such impacts. In addition, a Historic Property Survey Report ("HPSR"), a Archaeological Survey Reports ("ASR") and a Historic Architectural Survey Reports ("HASR") are cited in the DEIS¹⁸⁰, and have apparently been prepared as required¹⁸¹, but these documents are not available for public review at the Authority's website.

The area of potential effect ("APE") has been revised and submitted to the State Historic Preservation Office ("SHPO") for concurrence.¹⁸² The DEIS analysis has proceeded under the assumption that SHPO will concur with the revised APE. Of course, if the SHPO does not concur, and if the APE must be expanded beyond its current scope, then FRE must revise the analysis concerning impacts to cultural resources.

1. Incomplete Surveys Resulted in an Inadequate Baseline

As with the surveys conducted to identify biological resources and wetlands that may be impacted by the Segment, the surveys for cultural resources only covered those areas visible from a public right-of-way or where access permission was granted.¹⁸³ The DEIS describes the limited percentage of land within the APE that was actually surveyed.¹⁸⁴ Only a small

¹⁷⁷ 40 CFR § 1502.1.

¹⁷⁸ *Id.* at § 1508.14.

¹⁷⁹ *See, e.g.*, DEIS, p. 3.17-59 ["Due to access restrictions, surveys for archaeological resources are incomplete"].

¹⁸⁰ *See id.* at p. 3.17-1.

¹⁸¹ *See* Appendix 3.17-A to the DEIS, Programmatic Agreement ("PA"), p. 7.

¹⁸² DEIS, p. 3.17-8.

¹⁸³ *Id.* at p. 3.17-10; *but see id.* at p. 3.17-13 ["All surveys and complete inventories were conducted from public rights-of-way, except in cases where the property owners were contacted to provide entry to a property not adequately visible from a public right-of-way"].

¹⁸⁴ *Ibid.* ["As of March 31, 2011, approximately 27% (1,103 acres) of the UPRR/SR 99 Alternative had been field surveyed; 14% (542 acres) of the BNSF Alternative; 16% (388 acres) of the Hybrid Alternative; and 76% (1,064 acres) of the HMFs had been surveyed. Percentages include all portions of the APE where the UPRR/SR 99 and BNSF alternatives are the same"].

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percentage of the BNSF and Hybrid alternatives have been surveyed, and the surveyed areas along these routes are mostly those areas that coincide with the UPRR Alternative.¹⁸⁵ Thus, the limited information regarding surveys provided in the DEIS suggests that the rural areas that would be impacted by the BNSF and Hybrid alternatives have not been surveyed. The DEIS further states that "as stipulated in the PA, Section 8 [A][1], a phased identification effort will be necessary as access is granted and where adverse effects are likely to occur."¹⁸⁶ Such a phased approach may be consistent with the PA, but does not satisfy the requirement under NEPA to investigate and disclose, in the DEIS, the Segment's impacts to cultural resources.

The surveys were inadequate in other ways as well. The Programmatic Agreement ("PA") requires the FRA to:

Perform an intensive survey to identify, record, and evaluate architectural properties adjacent to the proposed alignment, stations and support facilities built within the time period identified in the plan to document and inventory all historic buildings, structures, objects, districts, and cultural landscapes in sufficient detail to permit evaluation for the NRHP (per Section 106 of the NHPA) and the California Register of Historic Resources (CRHR) (per California Public Resources Code Section 5024.1 and 21084.1).

This required intensive survey level of effort must satisfy the Standards and Guidelines for Archeology and Historic Preservation.¹⁸⁷ Survey efforts differed substantially between similar of the APE. For example, subsurface testing of some sites occurred along the UPRR Alternative, but archaeologists did not conduct subsurface testing at similar sites along the BNSF Alternative.¹⁸⁸ The DEIS does not adequately explain the different levels of survey effort, but acknowledges that additional subsurface testing is necessary to fully evaluate the resources that may be impacted by the Segment. In addition, surveying areas from public rights-of-way does not satisfy the requirements for an intensive survey.

2. The EIS Fails to Identify All Potentially Significant Project Impacts to Pre-Historic and Historic Resources.

The DEIS reaches conclusions regarding the Segment's impacts to archaeological sites, historic resources and paleontological resources without sufficient information concerning the resources that are present within the APE.¹⁸⁹ The analysis defers the required investigation of

¹⁸⁵ *Ibid.*

¹⁸⁶ *Id.* at pp. 3.17-10 - 3.17-11.

¹⁸⁷ *See* PA, pp. C-4, C-6, C-7; *see also* SHPO, Instructions for Recording Historical Resources (March 1995), p. 8 and Appendix 6.

¹⁸⁸ DEIS, p. 3.17-11 ["Archaeologists conducted testing at Ash Slough, Dry Creek, Berenda Slough, Berenda Creek, and Cottonwood Creek where these drainages cross the UPRR/SR 99 Alternative"].

¹⁸⁹ *Id.* at p. 3.17-71.

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impacts until after the selection of a preferred alternative.¹⁹⁰ This deferred approach to impact analysis is improper, however, because the FRA cannot select a preferred alternative without first knowing the severity of impacts that each alternative would cause.

3. Project Impacts to Native American Traditional Cultural Properties

The DEIS did not disclose the significance of the area on and around the proposed alternative routes to contemporary tribal members. The DEIS focused almost solely on archeological and historic resources and fails to analyze traditional cultural properties, which are areas on and around the Project site that have importance to tribes and Native Americans today.¹⁹¹ The DEIS mentions the requirement to analyze impacts on TCPs, states that no TCPs have been identified yet and explains that TCPs may be identified through further investigations and consultation with tribes and other groups.¹⁹²

The FRA should conduct an ethnographic study and interviews with local Native Americans and tribal representatives to further refine the FRA's understanding of the importance of potential traditional cultural properties within the APE. At a minimum, the scope of analysis in the DEIS must include areas where the Segment would have direct, indirect and cumulative impacts on areas which could be impacted by views and sounds from the HST system.

4. The DEIS Fails to Identify Mitigation for Impacts to Cultural Resources.

The section concerning mitigation measures for impacts to Cultural Resources is incomplete and vague. Apparently, the mitigation measures will be developed later, pursuant to an undisclosed MOA that was supposed to be prepared sometime "in the Fall of 2011."¹⁹³ These measures will apparently be incorporated into an Archaeological Treatment Plan ("ATP") and a Built Environment Treatment Plan ("BETP"), but the ATP and BETP are also unavailable for public review. The DEIS states that the ATP and BETP "would be completed prior to construction activities that could adversely affect historic properties or historical resources, and would likely include one or more of the mitigation measures listed [in the following subsections]."¹⁹⁴ This vague reference to mitigation measures that would likely be included in the treatment plans (but may also be omitted) fails to satisfy NEPA's requirements for mitigation

¹⁹⁰ *Id.* at p. 3.17-25 ["Once a preferred alternative is selected and project impacts measurable, the possibility that potentially significant historic archaeological sites may be impacted can be assessed and archaeological testing methods can be established"].

¹⁹¹ A "traditional cultural property" is a property, a place, that is eligible for inclusion on the National Register of Historic Places because of its association with cultural practices and beliefs that are (1) rooted in the history of a community, and (2) are important to maintaining the continuity of that community's traditional beliefs and practices. See National Register Bulletin 38.

¹⁹² DEIS, pp. 3.17-13 - 3.17-14.

¹⁹³ *Id.* at p. 3.17-72.

¹⁹⁴ *Ibid.*

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measures. Without an adequate discussion of applicable mitigation measures, the DEIS cannot conclude that impacts to cultural resources would be reduced to negligible levels.

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J. The DEIS Fails to Adequately Analyze the Project's Contribution to Several Acknowledged Categories of Significant Cumulative Impacts.

A proper consideration of a Project's cumulative impacts requires "some quantified or detailed information; ... [g]eneral statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided."¹⁹⁵ The analysis "must be more than perfunctory; it must provide a *useful* analysis of the cumulative impacts of past, present, and future projects."¹⁹⁶ There are two critical features of a cumulative effects analysis: "First, it must not only describe related projects but also enumerate the environmental effects of those projects. [Citation.] Second, it must consider the interaction of multiple activities and cannot focus exclusively on the environmental impacts of an individual project. [Citation.]"¹⁹⁷

"[I]n assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment."¹⁹⁸ A cumulative effects analysis violates NEPA if it fails to provide "adequate data of the time, place, and scale" of past, present and foreseeable future projects and does not explain in detail how different projects have affected or will affect the environment.¹⁹⁹

The DEIS chapter concerning the Segment's contributions to cumulative impacts does not describe any past projects or explain how these projects have affected the environment that will be affected by this Segment. This chapter also fails to adequately consider the Project's contribution to adverse cumulative impacts that will be caused by the neighboring segments of the HSR system. Indeed, the analysis devotes scant attention to other segments. These segments, together with other past, present and future projects in the region will have significant cumulative impacts to traffic, air quality, biological resources and public utilities, among other impacts. The Project's contributions to cumulative impacts must be considered together with all other past, present and future project -- especially the Bay Area to Central Valley segment, the Fresno to Bakersfield segment and the eventual Merced to Sacramento segment.

While the analysis mentions many of the planned freeway and roadway improvements for the region, it does not provide any information concerning the timing of those projects or the magnitude and scale of each project.²⁰⁰ The DEIS mentions the potential for simultaneous

¹⁹⁵ *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 361 F.3d 1108, 1128 (9th Cir. 2004), quoting *Neighbors of Cuddy Mountain*, 137 F.3d at 1379-80.

¹⁹⁶ *Id.*, internal quotations and citations omitted and emphasis added.

¹⁹⁷ See *Oregon Natural Res. Council Fund v. Brong*, 492 F.3d 1120, 1133 (9th Cir. 2007), citations omitted.

¹⁹⁸ *Lands Council v. Powell*, 379 F.3d 738, 745 (9th Cir. 2004).

¹⁹⁹ *Lands Council v. Powell*, 395 F.3d 1019, 1028 (9th Cir. 2005).

²⁰⁰ See, e.g., DEIS, pp. 3.19-4 [Table 3.19-2, vaguely identifying "21 intersection and roadway expansion projects" in City of Merced], 3.19-6 [Table 3.19-2, vaguely identifying "45 intersection and roadway expansion projects to

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construction of the Segment and other pending projects, but does not provide information that would allow a meaningful understanding of the potential cumulative impacts this would cause and the means the FRA has devised to avoid or minimize these impacts.

The analysis treats the cumulative condition under the No Project Alternative as distinct from the cumulative condition under the HST alternatives²⁰¹, but this is a false division. Most, if not all, of the same projected growth and development that will occur under the No Project Alternative will also occur under any of the HST alternatives. The adopted HST alternative will simply be an additional intensive project that will influence but not substantially alter the projected population growth and development patterns. It is therefore more realistic to treat the HST alternatives as *adding* additional impacts to the cumulative conditions under the No Project Alternative.

The analysis of the Segment's contribution to cumulative impacts to traffic, air quality, noise, public utilities, biological resources, and land use is perfunctory, conclusory, and without evidentiary support. For example, the DEIS fails to grapple with the construction-related water demand of this Segment, together with water demands from other projects in the area.²⁰² Instead, the analysis dismisses the possibility of a cumulative impact on the basis that no new infrastructure for delivering water will be required and new entitlements will not be necessary. The actual cumulative increase in water usage must be considered in quantitative terms, however, in order to determine whether the Segment's contribution to the cumulative impact would be considerable.

The DEIS dismisses the possibility of construction noise impacts on the basis that construction would "typically" occur during daytime hours. The DEIS does not include any measures that would restrict construction activities to the day, however. Thus, the conclusion regarding construction noise impacts lacks evidentiary support.

The analysis of the Segment's contribution to cumulative impacts to biological resources uses the wrong standard for determining whether the cumulative impact will be severe under NEPA. Rather than determining whether the Segment, when combined with cumulative projects, would result in the "loss of sustainable populations"²⁰³ the analysis must determine whether the cumulative conditions will significantly impact special-status species and their

accommodate increased use" in City of Merced], 3-19-7 [Table 3.19-6, vaguely identifying 96 intersection and roadway expansion projects to accommodate increased demand" in City of Fresno], 3-19-8 - 3.19-9 [Table 3.19-7, vaguely identifying many "SR 99 Transportation Improvement Projects" in the three affected counties].

²⁰¹ See, e.g., *id.* at p. 3.19-15 [concluding energy demands of HST alternatives as negligible when compared to the energy demands of 352,000 new households under the No Project Alternative, when the energy demand of the HST alternative should be added to these cumulative scenario to determine whether the Segment's contribution is considerable]; see also *id.* at pp. 3.19-15 - 3.19-16 [comparing Segment's water consumption demands to that of the additional households and other development under the No Project Alternative, when the Segment's water demands will be an *additional* demand].

²⁰² *Id.* at p. 3.19-15.

²⁰³ *Id.* at p. 3.19-18.

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habitat. The threshold of significance for some species is lower than for others²⁰⁴, so the analysis must be tailored to the resource at issue.

The analysis of cumulative impacts to aggregate resources fails to quantify the cumulative demand for aggregate in the region and in the state. The chapter concerning impacts to geology and soils cursorily dismisses the Segment's impacts to aggregate supplies.²⁰⁵ Thus, the DEIS fails to quantify and evaluate Project's incremental contribution to cumulative demands on limited aggregate resources. The mitigation proposed for potential cumulative impacts to aggregate resources is inadequate because it fails to provide any details concerning the required coordination between pending projects to "create opportunities to reuse excavated soil and demolition debris."²⁰⁶ Further, the Segment is not required to reuse these materials to the extent feasible, so this measure would be ineffective.

Constructing the segment may cause release of hazardous waste present in soils adjacent to existing rail lines and in industrial areas adjacent to the selected right-of-way. The DEIS fails to analyze this contribution to the cumulative impacts to hazardous wastes posed by numerous projects that will also disturb contaminated soils. The DEIS also fails to identify feasible mitigation measures that could minimize this potentially significant cumulative impact.

The analysis of cumulative impacts to socio-economics, communities and environmental justice fails to quantify the economic costs associated with disrupting or completely ending businesses located along the proposed alternative routes, including Church & Dwight's manufacturing facility. These costs, when added to costs to businesses associated with past, pending and future projects, will likely be cumulatively considerable.

The DEIS uses an improper approach to evaluating the Segment's contribution to cumulative impacts to land use. Rather than adding the amount of land that must be acquired for this Segment to the amount of land that "would be required to accommodate the projected 2035 population" as is required, the analysis minimizes the significance of the land use conversion required for the Segment by comparing it to all land use conversion required to accommodate the projected population increase in the region.²⁰⁷ By using such a large denominator in this equation, the analysis makes the vast acreage required for the Segment seem relatively small in comparison.

The analysis concerning the Segment's contribution to cumulative construction-related impacts to agriculture is conclusory and lacks supporting evidence. The analysis fails to describe which other projects may contribute to this cumulative impact and does not provide information concerning the timing of those projects or the expected severity of the impact. NEPA requires more.

²⁰⁴ For example, with species listed as threatened or endangered under the ESA, an impact could be considered significant if it would result in any "take" or if it "adversely modifies" designated critical habitat. The standard applied in the DEIS, loss of an entire population, does not reflect these species' protected status.

²⁰⁵ See *id.* at p. 3.9-2.

²⁰⁶ See *id.* at p. 3.19-23.

²⁰⁷ See *id.* at pp. 3.19-29 - 3.19-30.

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IV. THE ANALYSIS OF ALTERNATIVES IS INADEQUATE.

A. The DEIS Fails to Provide a Clear Basis for Choice Among the Alternatives.

Federal agencies must consider alternatives to their proposed actions as well as their environmental impacts.²⁰⁸ The alternatives analysis "is the heart of the environmental impact statement."²⁰⁹ The alternatives analysis has also been called the "linchpin" of the environmental impact statement.²¹⁰ Accordingly, pursuant to NEPA Regulations, section 1502.14, the FRA is required to "present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public."

The DEIS fails to satisfy this fundamental NEPA requirement because it does not present the impacts of each of the three north-south HST alignment alternatives for the Segment in a manner that sharply defines the issues and provides a clear basis for choice among the three alternatives. The DEIS must be revised to include comparative summaries of impacts caused by each alternative.

B. The Purpose and Need Statement is Arbitrarily Narrow.

An EIS must briefly describe the underlying purpose and need to which the agency is responding in proposing the alternatives, including the Proposed Action.²¹¹ The "need" for the action is the underlying problem or opportunity to which the FRA is responding with the action.²¹² The "purpose" is the goal or objective that the FRA is trying to reach.²¹³ Clearly distinguishing the purpose and the need clarifies for the public and decision makers why the agency is proposing to spend large amounts of taxpayers' money, while at the same time causing significant environmental impacts.²¹⁴ As recently repeated by the Ninth Circuit, "an agency cannot define its objectives in unreasonably narrow terms."²¹⁵

The DEIS contains an arbitrarily narrow purpose and need statement that promotes the HST's travel and infrastructure objectives without considering its place within established communities throughout the State.²¹⁶ The FRA should add as an objective for the HST system the goal to minimize impacts to existing communities, businesses and residents.

²⁰⁸ 40 CFR § 1502.14.

²⁰⁹ *Ibid*.

²¹⁰ *Monroe County Conservation Council, Inc. v. Volpe* (2d Cir. 1972) 472 F.2d 693.

²¹¹ 40 C.F.R. § 1502.13.

²¹² *Id.*

²¹³ *Id.*

²¹⁴ Ronald E. Bass et al., *The NEPA Book* 89 (2d. ed. 2001).

²¹⁵ *National Parks & Conservation Ass'n v. Bureau of Land Management* (2010) 2010 WL 1980717, 8 (9th Cir. 2010), quoting *City of Carmel-By-The-Sea v. United States Dep't. of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997).

²¹⁶ DEIS p. S-4 - S-6.

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C. Reasonable Alternatives are Omitted from the Analysis.

An EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."²¹⁷ It is "absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that courts have characterized as 'the linchpin of the entire impact statement.'"²¹⁸ This is particularly true in cases where there may be "unresolved conflicts concerning alternative uses of available resources."²¹⁹

The alternative discussion must include not only primary alternatives, *i.e.*, substitutes for the agency's proposed action that accomplish the action in another manner, but also secondary alternatives, which are means of carrying out the action in a different manner.²²⁰

The range of alternatives to be discussed is governed by a "rule of reason." Agencies have a duty "to study all alternatives that appear reasonable and appropriate for study . . . as well as significant alternatives suggested by other agencies or the public during the comment period."²²¹ Reasonable alternatives are those that may be feasibly carried out based on technical, economic, environmental, and other factors. It is well established that an alternative is not infeasible merely because the project proponent does not like it or is not capable of implementing it.²²² "The 'existence of a viable but unexamined alternative renders an environmental impact statement inadequate.'"²²³

1. The FRA Must Consider an Alternative Design that Reduces Impacts to Agriculture and Industrial Facilities.

The FRA must consider an alternative design that reduces impacts to agricultural activities and industrial facilities in the area southeast of Madera, where Church & Dwight's facility is located. As discussed above, the Project will impact this area in a number of ways. The FRA should consider an alternative design that avoids, or significantly minimizes, these impacts.

²¹⁷ 40 C.F.R. § 1502.14(a).

²¹⁸ *NRDC v. Callaway*, 524 F.2d 79, 92 (2d Cir. 1975) (citation omitted); see *Silva v. Lynn*, 482 F.2d at 1285; *All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir. 1992) [a thorough discussion of the alternatives is "imperative"].

²¹⁹ See 42 U.S.C. § 4332(2)(E); *California v. Block*, 690 F.2d 753, 766-767 (9th Cir. 1982).

²²⁰ See *Mathews Valley Citizens Council v. Regional Forester*, 833 F.2d 810 (9th Cir. 1987), *rev'd on other grounds*, 490 U.S. 332 (1989); see also Mandelker, *NEPA Law and Litigation*, pp. 9-47 - 9-48.

²²¹ *Roosevelt Campobello Int'l Park Comm'n v. United States EPA*, 684 F.2d 1041, 1047 (1st Cir. 1982) (quotations omitted); *City of Carmel-By-The-Sea v. U.S. Dept. of Transp.*, 95 F.3d 892, 903 (9th Cir. 1996).

²²² See CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations* (1981), question No. 2(a).

²²³ *Resources Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992)); see *Gracing Fields Farm v. Goldschmidt*, 626 F.2d 1068, 1072 (1st Cir. 1980) [Even the existence of supportive studies and memoranda contained in the administrative record but not incorporated in the EIS cannot "bring into compliance with NEPA an EIS that by itself is inadequate"].

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The DEIS provides design options for other sections of the Merced to Fresno segment but fails to provide any design options for the section southwest of Madera where the BNSF and Hybrid Options would diverge from the existing BNSF right-of-way and would could traverse across mostly agricultural land to the existing UPRR right-of-way. The DEIS must be revised to include design options that would minimize impacts to existing structures and facilities, including Church & Dwight's facility.

2. The FRA Must Consider the Feasibility of a Modified UPRR Alternative.

The DEIS explains that the separation between the HST track and the railroad track is narrower for the BNSF Alternative than for the UPRR Alternative, but does not explain why the separation could not be equally narrow with the UPRR Alternative.²²⁴ The DEIS must be revised to provide this explanation, and if the right-of-way for UPRR Alternative can be narrowed, the analysis of impacts for this alternative must be revised to reflect the reduced disturbance area along the entire Segment length for this alternative.

3. The FRA Has Failed to Consider a Reasonable Alternative to the Three HST Alignments.

The DEIS must also be revised to more carefully consider an alternative alignment along the western side of the San Joaquin Valley, in the vicinity of Interstate 5 and the California aqueduct ("I-5 Alternative").²²⁵ Properly designed, such an alternative could meet most of the Project objectives while avoiding many of the impacts to biological resources, wetlands, agriculture, historic resources, traffic, air quality, and noise (among others) associated with the three HST alternatives considered in the DEIS.

An I-5 Alternative alignment would be superior to the three proposed HST alignments for a number of reasons, for example:

- the western side of the valley receives substantially less rainfall than the eastern side and also has less agriculturally productive soils, fewer wetlands and waterways and may have less abundant wildlife near the I-5 corridor;
- because the I-5 corridor through the valley is removed from population centers, there is much less existing infrastructure, community facilities and roadways that would be disturbed by the HST system;
- a western alignment would require less engineered grade separations, elevated track and other elaborate and expensive infrastructure;

²²⁴ See DEIS, p. 2-61, fn. 4 ["Due to right-of-way sharing agreements with BNSF, the HST right-of-way requirements adjacent to BNSF are narrower than that next to the UPRR/SR99 Alternative"].

²²⁵ See Attachment F, Figure 10 from Conceptual California-Wide Networked Transit, from Publictransit.us, White Paper 2011-01, *Beyond High Speed Rail: California Networked Transit*, available at: <http://www.publictransit.us/ptlibrary/CaliforniaNetworkedTransit.pdf>; see also A. Waller, *An Alternative Plan for California High Speed Rail*, available at: http://www.calrailfoundation.org/HSR_files/1109waller2.pdf.

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- stations could be situated in areas near but not within population centers and could incorporate connections with efficient local shuttle and/or transit systems, thereby attracting significant ridership while avoiding impacts to the built environment and to people already living and working in urban areas; and
- routing the HST alignment within or adjacent to the I-5 corridor and including fewer strategically located stations would reduce the travel time between the major metropolitan areas, thereby improving the HST system's performance.

The brief explanation in the Alternatives chapter concerning the rejection of an I-5 Alternative is conclusory and lacks supporting evidence.²²⁶

The Statewide EIR/S considered a west of SR 99 ("W99") alternative, but eliminated this alternative from further consideration for a number of reasons, including its distance from urban centers and its perceived increased environmental impacts.²²⁷

[The W99 alternative] would not serve existing downtown areas and existing population centers, and would therefore result in the placement of stations in outlying suburban locations at a distance from population centers. Such stations would provide lower ridership and revenue potential and poorer connectivity and accessibility than potential stations in cities and on existing rail alignments. These alignments would result in increased potential for impacts on agricultural lands and natural resources and would have high severance impacts through the Central Valley. In addition, the proposed W99 and the E99 alignments would have the potential to contribute to development sprawl and to increase development pressure on agricultural lands.²²⁸

There is little to no evidence in the record to support these conclusions, however. If properly designed and strategically located, and if linked to existing or improved transit service, HST stations located outside of downtown areas and population centers could still serve populations located throughout the San Joaquin Valley. Such an alternative would also provide similar reductions to vehicle miles traveled and associated reduced traffic and air emissions as the proposed HST alternatives. In addition, because the I-5 Alternative would be further west than the W99 alternative, and would follow an existing freeway right-of-way, its impacts to

²²⁶ DEIS, pp. 2-34 - 2-35. Apparently, two reports prepared in 1996 by Charles River Associates and California Intercity High Speed Rail Commission discussed and eliminated this alternative alignment, but the DEIR fails to summarize the relevant data presented in the reports, as well as their findings. Moreover, the Authority may not be able to rely on the data and findings from these dated reports when deciding to eliminate a feasible alternative that may substantially reduce Project impacts. The Authority has also failed to make these and other early reports concerning alternative alignments available on the Authority's website.

²²⁷ Statewide Program EIS/R, pp. 2-53 - 2-56. The DEIR repeats verbatim some of the information presented in the Statewide Program EIS/R and adds no further elaboration concerning the eliminated alternatives. See DEIR, p. 2-53 - 2-56 [note the DEIS states "Considering the benefits of being adjacent to an existing rail corridor, along with the scoping comments, the Authority and the FRA determined to analyze potential alignments adjacent to existing rail corridors in this Program EIR/EIS"; this language reveals that the discussion from the Statewide Program EIS/R was simply copied and pasted into the DEIS.]

²²⁸ *Id.* at p. 2-54.

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agriculture and natural resources would likely be less than the W99 alternative. Finally, an I-5 alignment that does not travel through population centers and across agriculturally productive rural areas would reduce many Segment impacts, as compared to the three HST alternatives analyzed in the DEIS.

Under NEPA, the FRA must rigorously explore and objectively evaluate all reasonable alternatives.²²⁹ Because an I-5 Alternative appears to be feasible, would satisfy many of the project objectives and would likely result in fewer environmental impacts, the FRA must evaluate this reasonable alternative in the revised DEIS.

IX. CONCLUSION

The DEIS fails as an informational document because fails to establish the project setting, it does not fully and fairly describe the various alternatives that may be selected as the preferred alternative, it provides incomplete analysis of some Segment impacts and wholly omits discussion of a number of other potentially significant environmental impacts, and it fails to provide a reasonable range of alternatives to avoid or mitigate the Project's adverse impacts.

The DEIS must be revised to fully describe the project setting, the project alternatives, the impacts from the project, mitigation and a broader range of alternatives; and the revised DEIS must be circulated for public review and comment, as required by NEPA. We respectfully urge the FRA to do so prior to taking any action of any kind on this Segment of the HST Project.

Please do not hesitate to call if you have any questions or require any further information in support of these comments.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By 
Jason W. Holder

Attachments:

- A. Information Sheet Regarding Church & Dwight and the Madera Facility;
- B. Excerpts from Appendix 3.1a to DEIS;
- C. Excerpts from NOP for Merced to Bakersfield HST system, dated February 23, 2009;
- D. CNPS Botanical Survey Guidelines (Rev'd June 2, 2001);
- E. CDFG Staff Report on Burrowing Owl Mitigation (October 1995); and
- F. Figure 10 from Conceptual California-Wide Networked Transit, from Publictransit.us, White Paper 2011-01, *Beyond High Speed Rail: California Networked Transit*.

cc: (see attached table)

²²⁹ 40 C.F.R. § 1502.14(a).

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See MF-Response-GENERAL-1, MF-Response-GENERAL-2, MF-Response-GENERAL-7, MF-Response-GENERAL22, and MF-Response-GENERAL-23.

Design of the Hybrid Alternative, the preferred alternative, and the BNSF Alternative in the vicinity of the Church & Dwight facility has been updated to reflect your comments.

795-2

See MF-Response-GENERAL-1, and MF-Response-GENERAL-2.

See Chapter 2 of the EIR/EIS for how the project will affect local roadways. Section 3.7 Biology, includes an evaluation of these effects to local roadways.

Regarding your comment on water quality, please see MF-Response-WATER-1, and MF-Response-WATER-2.

Regarding your comment on air quality, the air quality impact analysis of the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, and using reasonable forecast data of the project and the region. Air quality impacts from project construction emissions were evaluated in the Section 3.3.4.9 and 3.3.6.3 of the EIR/EIS. Detailed emission calculations are in Appendixes A and B of the Air Quality Technical Report.

795-3

See MF-Response-GENERAL-24. To meet Section 404 permitting guidelines, project biologists compiled the Wetlands Report, which provides the same information as in the EIR/EIS but with a greater level of detail, to submit to the USACE for review.

Regarding your concern about sufficient detail to help insure that the integrity of the process of decisionmaking, the mitigation measures in the EIR/EIS have been revised with supporting statements related to their effectiveness.

795-4

The Authority finds no direction in NEPA that suggests quantifying the resources that will be committed to the project that quantification is necessary. Section 6.5 of the Draft

795-4

EIR/EIS describes the relationship between the short-term uses of the environment and the enhancement of long-term productivity, and Section 6.6 summarizes the significant irreversible environmental changes that would result from project implementation. Both sections address the irretrievable commitment of resources such as aggregate, steel, and fossil fuels. The disclosure is made in these sections, but NEPA does not require the Authority to analyze whether or not there is sufficient aggregate, steel, or fuel available to build the project.

795-5

A Draft Relocation Impacts Report (DRIR) was prepared for the project in accordance with Caltrans guidance. The data in the EIS is based off the DRIR. The DRIR includes full and partial property acquisition impacts by land use category and these results were carried into the EIR/EIS. The number of displacements was calculated and US Census Bureau data for the number of employees per establishment in the study areas (by county and by zip codes) were averaged and applied to the number of commercial, industrial, and municipal units displaced.

Volume II of the EIR/EIS shows the construction footprint. The footprint images shown in Volume II of the EIR/EIS provide the landowners with information on whether or not their property would be impacted. At this time the designs for the HST Merced to Fresno Section are at 15% and as they become more defined a property acquisition can change from partial to full or from full to partial. Given this, specific impacts to each individual property are not identified in the EIR/EIS.

Please see MF-Response-GENERAL-17 regarding public outreach efforts.

795-6

See MF-Response-TRAFFIC-1.

The mitigation measures proposed at the intersections and roadway segments were selected only if they were feasible and practicable for construction. Review was also conducted to ensure the proposed physical improvement mitigations would not result in secondary impacts.

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In regards to the comment on efficacy of proposed mitigation measures, The traffic mitigation measures identified in the DEIR were designed to reduce the project impact to a less than signification level based on the Authority's traffic impact criteria. The mitigation measures proposed at the intersections and roadway segments were selected if there were feasible and practicable for construction. Review was also conducted to ensure the proposed physical improvement mitigations would not result in secondary impacts.

In regards to comment on mitigation measure TR MM#1 and supporting analytical data for mitigation effectiveness - the HST design has been revised at this location (near the Church & Dwight facility), and alternate access to the facility is shown on the design plans in Volume III of the EIR/EIS. No access impacts are anticipated at this location under the revised design; hence no further traffic analysis is necessary.

In regards to comment on coordinate with Caltrans and local jurisdictions - CHSRA has been and will continue to coordinate with public agencies throughout the duration of the project. See EIR Section 3.1.4. See also MF-Response-GENERAL-1 and MF-Response-GENERAL-23.

795-8

1. Project specific data are presented in the Air Quality Technical Report of the EIR/EIS. Detailed data and emission calculations are presented in Appendix A and Appendix B of the technical report. These data and calculations specify what project-specific data was used, and which model default settings (if any) were used.

2. The project construction schedule is being revised in the Final EIR/EIS.

3. The EIR/EIS included pre-construction mobilization phase in the air quality analysis emissions calculations.

4. The name of the monitoring station has been corrected in the EIR/EIS and Air Quality Technical Report.

5. Detailed information on the amount of ballast material hauled from each quarry under

795-8

different scenarios is included in Appendix H of the Air Quality Technical Report of the EIR/EIS.

795-9

Emissions associated with rail delivery were not included in the EIR/EIS based on the assumption that the rails for HST construction can be delivered through rail cars under the existing rail operation capacity. This assumption is reasonable, because delivery of the amount of rail needed for the 65-mile track would be spread throughout the 9 years of construction period. Current rail car operation capacity of the region would be sufficient to deliver the rails needed for each year's construction activity. Emissions from trucks to deliver the rails from the rail car to where the rail will be laid were included in the emission evaluation.

Activities associated with water trucks for watering the construction site have been included in the construction emission calculations.

See MF-Response-AQ-7 regarding mitigation measures.

795-10

See MF-Response-WATER-1, MF-Response-WATER-2, MF-Response-WATER-4, and MF-Response-WATER-5.

At this phase of design, the details of water crossings are provided in the Hydraulics and Floodplain technical Report which was prepared in support of the EIR/EIS. The water use assessment prepared for the Merced to Fresno segment was created using the most current data available. Sources are cited in EIR/EIS Section 3.8, Hydrology and Water Resources.

795-11

See MF-Response-BIO-3, MF-Response-BIO-4, MF-Response-BIO-5, and MF-Response GENERAL-1.

Regarding the Failure to Consider Compliance with the California Fish and Game Code, Section 3.7.2 of the EIR/EIS presents the regulatory programs that apply to the HST

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alternatives. Table 3.7-1 addresses Federal requirements and Table 3.7-2 addresses state requirements, including CESA (Section 2081) and the State Fish and Game Code (Section 1600 et seq.). The mitigation measures were developed with the California Department of Fish and Game to be consistent with these regulatory requirements at such time that the Authority prepares a request for these permits.

The EIR/EIS discloses significant direct and indirect effects, including detailed mapping of resources and suitable habitat for listed species. The EIR/EIS does disclose impacts to plant and wildlife species where survey data is available. Where right-of-access could not be obtained the analysis assumes that all suitable habitat is occupied by the pertinent species. This is a worst case assumption.

Regarding potential impacts to species and habitat, including western burrowing owl, golden eagle and San Joaquin kit fox - as discussed in the EIR/EIS, due to the limitation in right of entry, focused surveys were only conducted in areas where right of entry was granted within the habitat study area. Many areas were not accessible due to restricted access of property. The EIR/EIS has made assumptions that all suitable habitats are occupied as a reasonable worst case condition and the mitigation/compensatory commitment is commensurate with those acres of direct and indirect effects. Field reconnaissance surveys were conducted in all areas where access was granted. Direct and indirect effects during the construction period are addressed for raptors (e.g. golden eagle) and other wildlife are discussed in EIR/EIS Section 3.7.5 Environmental Consequences with details for each of the alternatives. Direct and indirect effects during project operations are addressed for raptors (e.g. golden eagle) and other wildlife in EIR/EIS Section 3.7.5 Environmental Consequences. The San Joaquin Kit environmental consequences are discussed for both direct and indirect effects during the construction period and for project operations. Specifically, the analysis focuses on wildlife movement.

795-12

Sections for the High Speed Rail (HST) project each have independent utility and will be evaluated for environmental impacts through the EIR/EIS process on an individual basis. For the purposes of the Endangered Species Act (ESA), the segments are considered interrelated for cumulative impacts to listed species within their identified range. The

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Biological Assessment for the Merced to Fresno section will address effects to ESA listed species within adjoining HST sections if the species ranges is bisected by more than one HST section. This analysis will be performed to extent that scientific data for listed species and design data for the section(s) is available. Surveys for listed species vary in completion by segment, with some surveys occurring only where access was permitted with remainders based on habitat evaluations from publicly available roads and recent aerial photography. This approach is being evaluated within the ongoing consultations between the Federal Railroad Administration, the California High Speed Rail Authority, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. An annotated consultation history is provided below. Please see Chapter 8 of the Final EIS/EIR for further detail on regulatory communication.

Organization/Individual	Date	Topic
Environmental Resource Agencies	October 8, 2009	Initial meeting with environmental resource agencies for Merced to Fresno HST Project.
USFWS, USACE, and CDFG	November 5, 2009	Technical meeting to discuss biological resource survey methods.
NMFS	January 5, 2010	Discuss fisheries issues.

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EPA, USACE, and USFWS	February 10, 2010	Discuss compliance process for CWA, Section 404.
USACE, FHWA, USFWS, NMFS, State Lands Commission, CVFPB, SWRCB, RWQCB, DOC, and CDFG	April 21, 2010	Discuss coordination and permitting for water crossings.
USFWS	June 9, 2010	Permitting coordination.
Environmental Resource Agencies	December 13, 2010	Statewide meeting to discuss status of Central Valley sections of the HST System.
Environmental Resource Agencies	February 7, 2011	Statewide permitting workshop to discuss permit processes with environmental resource agencies.
EPA, USFWS, USACE, NMFS	April 25, 2011	Discuss environmental process and permit scheduling relevant to the Merced to Fresno and Fresno to Bakersfield sections.

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USFWS and NMFS	June 14, 2011	Endangered Species Act pre-application meeting.
USFWS, CDFG, and USACE Meeting	November 22, 2011	Environmental team coordination meeting
NMFS/USFWS	December 9, 2011	Supplemental memo provided to NMFS and USFWS regarding San Joaquin River crossing
USFWS	November 2011	Submitted draft Biological Assessment to USFWS
CDFG	January 11, 2012	Wildlife movement
USFWS, NMFS, and CDFG	February 3, 2012	Discussion regarding wildlife connectivity issues and project permitting process.
USFWS, CDFG	February 21, 2012	Submitted supplemental information to USFWS/CDFG for the Biological Assessment on the Hybrid Alternative
USFWS/CDFG meeting (weekly)	March 2, 2012	Project update

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USFWS/CDFG meeting (weekly)	March 7, 2012	Project update
USFWS/CDFG meeting (weekly)	March 14, 2012	Project update
USFWS/CDFG meeting (weekly)	March 21, 2012	Field review of alignment with wildlife agencies
USFWS/CDFG meeting	March 28, 2012	Discussion of wildlife movement proposal.
USFWS/CDFG meeting (weekly)	April 4, 2012	Project update, review of field survey methodology for Bakersfield to Palmdale

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See MF-Response-GENERAL-1.

During the Final EIS phase, when a preferred alternative is identified, the mitigation measures become commitments. Mitigation addresses state requirements, including CESA (Section 2081) and the State Fish and Game Code (Section 1600 et seq.). Furthermore, the mitigation measures were developed with the CDFG to consistent with these regulatory requirements at such time that the Authority prepares a request for these permits.

The mitigation measures in the EIR/EIS are for a construction-level documentation and identify the phase of the project they apply to and what type of resource they mitigate and the responsibility for monitoring is described for the Project Biologist, Mitigation Manager, Contractor's Biologist and Project Biological Monitor. The effectiveness in the mitigation measure towards reducing impacts is disclosed in Section 3.7.8 CEQA

795-13

Significance Conclusion on Table 3.7-30. The Authority is committed to the implementation of the mitigation measure in the EIR/EIS. The following revisions are being made in response to the mitigation measure timing comments:

Bio-MM#28 (BIO-MM#29 in the Final EIR/EIS) identifies that pre construction surveys, buffers and monitoring are conducted for raptors and will be conducted with the approval of the California Department of Fish and Game. Bio-MM#30 in the Final EIR/EIS provides further direction on surveys for active nests and Bio-MM#31 for raptor protection on power lines. Specific measures (Bio-MM#32 through 34) are also provided for Swainson's hawk. Species specific measures for western burrowing owl are provided, including protocol surveys, avoidance and minimization measures are identified in Bio-MM#35 and 36. Compensatory mitigation is also recognized for Swainson's hawk and western burrowing owl in Bio-MM#54 and 55. Specific mitigation measures for San Joaquin kit fox are included as Bio-MM#42 and 43 for the construction period and Bio-MM#56 (BIO-MM#58 in the Final EIR/EIS) refers to the project period.

Bio-MM#16 includes provision for a monitoring and maintenance program for the impacted protected trees.

Bio-MM#15 and #43 both refer to the HMMP. See Bio-MM#58: Prepare and Implement a Habitat Mitigation and Monitoring Plan (HMMP).

Bio-MM#16 surveys can occur any time of the year.

Bio-MM#17 specifically requires the surveys to be done during the appropriate season and prior to ground-disturbing activities.

Bio-MM#19 specifically identifies the seasonal window and interval (after first significant storm).

Bio-MM#23 specifically references the United States Service protocol for field surveys.

Bio-MM#25 (BIO-MM#26 in the Final EIR/EIS) - the following italicized text will be added to this mitigation measure, in Section 3.7 of the EIR/EIS: "Prior to ground-disturbing activities, conduct pre-construction surveys for western pond turtles to determine the

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presence or absence of western pond turtles within the construction footprint. If western pond turtles are found within the construction footprint, conduct daily clearance surveys prior to the initiation of construction activities. Although surveys may be done year-round, the warmer months are preferred due to peak activity and more frequent basking."

Bio-MM#28 (BIO-MM#29 in the Final EIR/EIS) references the time of year for the buffers that are required, so pre construction surveys occur during that time frame.

Bio-MM#29 (BIO-MM#30 in the Final EIR/EIS) provides guidance for nesting birds which would follow the pre-construction surveys.

Bio-MM#31 (BIO-MM#32 in the Final EIR/EIS) references the time of year for the buffers that are required, so pre construction surveys occur during that time frame.

Bio-MM#36 (BIO-MM#37 in the Final EIR/EIS), the following italicized text will be added to this mitigation measure, in Section 3.7 of the EIR/EIS: "Prior to any ground-disturbing activities, conduct a visual and acoustic pre-construction survey for roosting bats. Include a minimum of one day and one evening in the visual pre-construction survey. Contact CDFG if any hibernation roosts or active nurseries are identified within or immediately adjacent to the construction footprint, as appropriate. The surveys are conducted per CDFG protocol. Exclusion techniques should not be used if young are present during the maternity season, which is from the beginning April through the end of August."

Bio-MM#41 (BIO-MM#42 in the Final EIR/EIS)- references the protocol document.

The term "feasible" does not weaken the measure but does allow the Project Biologist some flexibility to more carefully, effectively and accurately incorporate the measure where and when the activity occurs. This is particularly relevant and important since this will be implemented by a design/build contractor and flexibility is essential as the design refinement process takes place.

The terms "practicable" and "as appropriate" are warranted in the measure for the same reasons feasible is used above. The measure identifies some of the resources that

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qualify for temporary or permanent protection and the Project Biologist will carry out the intent of the measure understanding the location of the resource and its phasing, as well as the construction limit boundary.

795-14

The comment raises concerns regarding undocumented contamination, the presence of asbestos and lead in the study area and the standard practices employed in the presence of these materials, and the potential for construction to conflict with applicable deed restrictions. During site preparation and demolition, when encountering hazardous wastes is unavoidable, the EIR/EIS incorporates standard industry practices, which are commonly conducted and have been proven effective, into the project. These include the implementation of construction management and demolition plans that contain procedures for addressing hazardous materials and wastes.

Complete quantification of undocumented contamination is not possible. However, hazardous wastes are more likely to be present in urban areas where land use has been more intense. These are the same areas where PEC sites have been identified. In that regard, additional information about undocumented hazardous materials releases would not change the analysis of the alternative HST alignments. Further, detailed investigation of the properties in the construction footprint would precede construction. Where current site conditions or documented past land use practices indicate the potential presence of hazardous materials, the Authority will conduct a Phase 1 environmental site assessment in accordance with standard ASTM methodologies to characterize the site. The determination of what parcels require soil testing and where testing should occur would be informed by the Phase 1 environmental site assessment and made in conjunction with state and local agency officials.

Because it is not possible to locate all potentially undocumented hazardous materials, standard construction practices would be implemented. A construction management plan would be developed that would include provisions for daily briefings of construction staff prior to work regarding indications of potential contamination; a list of contact persons in case of a possible encounter with undocumented contamination; provisions for immediate notification of construction management; notification of the applicable local enforcement agency of the find; consultation with that agency; and protocols for further action.

In addition, demolition plans would be prepared for the safe dismantling and removal of

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building components and debris. The demolition plan would include a plan for lead and asbestos abatement. These plans are standard industry documents that contain specialized precautions, such as restricted site access, use of respirators and full body disposable protective clothing, local exhaust systems, and the use of water to settle air born contaminants. While the exact procedures and equipment employed would vary by site, these practices are commonly implemented, feasible measures for avoiding adverse public health impacts associated with lead and asbestos.

While the Authority and FRA have not yet investigated the construction year for all roadways and buildings in the project footprint to know which locations would require these specialized practices, they have committed to conduct this investigation as part of the project. This level of analysis represents a good faith effort to study, analyze, and express potential environmental issues and provides a sufficient basis for weighing the risks and benefits of the proposed action. Since handling lead and asbestos is a routine aspect of demolition and there are standard, implementable construction practices that would avoid potential impacts to public health, this impact would be less than significant and no mitigation would be required. The analysis in the EIR/EIS focuses on the higher risk sites of potential environmental concern (conceivable and current PECs). Historical sites of potential environmental concern are addressed in detail in the Hazardous Materials and Wastes Technical Report (available at <http://www.cahighspeedrail.ca.gov/assets/0/152/303/306/46299433-805f-4e4e-8238-df1ac30c6ca8.pdf>). Based on this analysis and preliminary review of DTSC's Land Use Restricted Sites List, there are no sites under deed restriction within the construction footprint (DTSC 2007). Title searches will be conducted during the property acquisition process to affirm these findings. Deed restrictions, however, do not necessarily forbid excavation and trenching. For example, the deed restrictions for two sites in the Coalinga area include a list of prohibited site uses (such as residences, hospitals, and schools) and indicate that soil disturbance shall not occur without a Soil Management Plan and a Health and Safety Plan approved by DTSC. Where the HST alignment would impact a parcel under a deed restriction, the Authority and FRA would be subject to all institutional controls, and would coordinate with the appropriate overseeing agency to eliminate the impact, potentially through project modification or conducting additional remediation of the site.

Future analysis of properties acquired for construction of the HST would include title searches and determination of which properties require further assessment for hazardous material contamination. The EIR/EIS analysis was conducted to a level of

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detail sufficient to analyze the relative potential to encounter hazardous materials among the alternatives. The number of properties in question renders such exercises as a quantitative, structure-by-structure analysis of age and deed assessments an unreasonable effort that is unlikely to materially change the outcome of the analysis for two reasons: 1) in urban areas where there are identified PECs, there are more likely to be cases of undocumented contamination and deed restrictions due to the intensity of land use, thus the relative potential for the alternatives analyzed to disturb undocumented contamination can be expected to mirror the potential to disturb sites identified as PECs; and 2) because there are proven methods of dealing with these potential hazards, the impact is less than significant regardless of the quantity of such facilities disturbed. Although not exhaustive, the EIR/EIS provides a sufficient degree of analysis to provide decision makers with the information necessary to intelligently consider the environmental consequences of the document.

795-15

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-5, MF-Response-AGRICULTURE-1, and MF-Response-AGRICULTURE-2.

The analysis of the small remainder parcels did not expressly determine their economic feasibility. Instead, the analysis considered whether access to the remainder parcel would be restricted in such a way that the parcel would be unusable. Determining the economic feasibility of a large number of individual remainder parcels is not reasonably feasible because of the many local and parcel-specific factors that determine whether the parcel remains economically viable for farming. These include, but are not limited to, parcel ownership, economic viability of alternative crops, availability of farmers to farm the smaller parcel as part of a larger holding or lease, and current agricultural commodity prices. All of these are variable and not constant considerations. The continued availability of access provides a reasonable method of determining which parcels are likely to be removed from agricultural use because inaccessible parcels are clearly not available to be farmed.

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See MF-Response-GENERAL-1 regarding the level of detail in the analysis.

Response to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - Continued

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The HPSR and HASR were submitted to the SHPO for review on February 7, 2012 and letter concurring with the findings was issued by SHPO on March 13, 2012. The ASR was submitted to the SHPO on February 10, 2012 and is still under review.

The APE has been revised during the course of environmental review to reflect updated project information, as well as ongoing field efforts that clarify whether or not individual properties meet the above stipulations. As possible future project revisions take place, updated APE maps would be produced and authorized as per the stipulations of the PA. Should SHPO find the Built Environment or Archaeological APEs insufficient, FRA will work with the SHPO to revise and establish an acceptable APE, and new areas/resources with the potential to be affected will be surveyed, evaluated, and included in applicable technical reports and the EIR/EIS, as appropriate.

Pedestrian and vehicular surveys were conducted from the right-of-way or where access permission was granted. This methodology is in accordance with guidelines set forth in the PA.

See also MF-Response-CULTURAL-9, MF-Response-CULTURAL-8, and MF-Response-CULTURAL-6.

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The cumulative impacts discussion begins with the historic context and articulates the status of current growth trends on the Central Valley. It summarizes notable past projects such as the UC Merced campus and the expansion of the Fresno-Yosemite International Airport. These environmental documents were reviewed to determine the cumulative condition of effected resources. Much of the Cumulative Impacts analysis is determined through available environmental documents which report whether significant effects after mitigation are anticipated. However some foreseeable projects that lack documentation require effects to be generalized in terms of tangible effects such as land to be consumed, additional persons to the area and generally more noise. The Merced-Fresno Section resource evaluations already concluded their effects in light of the existing and baseline conditions which arguably rely on past projects. The EIR/EIS documents the current condition of each resource (which is the result of past projects)

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and the effects of the HST project on that condition. The cumulative analysis provides additional evaluation of these documented effect in combination with current and foreseeable future projects.

Depending on the resource, the effects of adjacent HST section were evaluated together with the effects on the Merced to Fresno Section impacts. For instance, for biological resources, effects on common habitats were reviewed across San Jose to Merced and Fresno to Bakersfield sections. Whereas for EMI or noise topics, changes in Merced cannot be added to changes in San Jose for a cumulative effect on either community, therefore the evaluation was specific to the Merced to Fresno Section of the HST.

The Transportation analysis, by nature, is a cumulative evaluation since the effects are projected out for the project's planning horizon. This means that many of the roadway projects are already included in the primary analysis. The regional transportation models used in the transportation analysis incorporate implementation of transportation projects that are funded through the 2035 horizon.

The Authority disagrees that the No Project Alternative is a distinct from the cumulative condition, depending on the resource being evaluated. The Cumulative Condition is only slightly different than the No Project Alternative. Chapter 2 articulates the No Project Alternative to document planned growth that would occur regardless of this project. Indeed many of the resource evaluations document the change in relation to the No Project scenario, such as where the HST project has the potential to change density and potentially reduce conversion of agricultural lands or reduce Vehicle Miles Traveled when compared to the No Project. Neither of these evaluations change the planned growth scenario in the No Project Alternative. Depending on the resource, the analysis does merely add the HST project impacts on top of effects from the No Project Alternative and foreseeable projects, such as effects on biology, hydrology and noise. The analysis of traffic, air quality and noise are, as stated before, innately cumulative evaluations.

The analyses must begin with a projection of these resource based on the project's planning horizon of 2035. This is provided in Section 3.19.2.1 Historical Context of the Project Area. A careful documentation of effects on each resource in Chapter 3 have depended on best professional practices, including detailed estimations, consulting local

Response to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - Continued

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service providers and other recognized sources to determine project effects. This is then added qualitatively (due to the amount of available information) to the future projections of effects from other foreseeable future projects on the resources to determine the cumulatively considerable impacts. While it is true professional judgments are made in these analyses, the appropriate measures and evaluation process was applied. The EIR/EIS has been updated to add clarity and strengthen the connection between the status of the resource and the potential for the Merced to Fresno Section HST project to contribute to the cumulative condition. Because, if after mitigation, the HST project would not have a lasting effect on the status of the resource's condition, then there is no effect on the cumulative condition.

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See MF-Response-GENERAL-1 for a description of the Tiered approach to this EIR/EIS and the level of detail in the analysis and mitigation. A comparative summary of impacts caused by the three alternatives is provided in the Executive Summary of the EIR/EIS, in Section S.8.3 Comparison of HST Alternatives.

The Authority and FRA disagree with the comment that the project purpose and need is arbitrarily narrow. Council of Environmental Quality offers Sec. 1502.13 Purpose and Need, the following guidance: The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

The project purpose and need has been developed in two phases, first the overall purpose and need of the statewide system established the broad definition of the purpose – “to construct, operate and maintain an electric-powered high-speed train system in California.” Through this process, the program EIR/EIS reviewed the best performance of a HST system to serve the population growth trends and transportation needs to narrow the station locations and the broad corridors for further analysis.

The Merced to Fresno Section is a tiered project from the program document, using a scale where a finer level of detail can be applied in the development of alternatives and analysis. Therefore, the purpose and need portion relating to the Merced to Fresno Section merely states, “the Merced to Fresno HST Project section would connect a

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Merced Station and a Fresno Station.” This statement does not overly limit the range of reasonable alternatives, nor does it over define the alternatives considered.

Regarding the range of alternatives analyzed in the EIR/EIS, please see MF-Response-General-2.

Based upon the comments received as part of the draft EIR/EIS, the design of the Hybrid Alternative, the preferred alternative for the Merced to Fresno section, and the BNSF Alternative has been revised and the buildings associated with the Church and Dwight are no longer impacted.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf

Attachment A

Information Sheet Regarding Church & Dwight and the Madera Facility

CHURCH & DWIGHT CO., INC.

Corporate Headquarters:
469 North Harrison Street
Princeton, New Jersey 08543-5297
Main Phone: (609) 683-5900

Company Profile:

Church & Dwight Co., Inc. (NYSE: CHD) (the "Company"), founded in 1846, is the leading U.S. producer of sodium bicarbonate, popularly known as baking soda, a natural product that cleans, deodorizes, leavens and buffers. The Company's ARM & HAMMER® brand is one of the nation's most trusted trademarks for a broad range of consumer and specialty products developed from the base of bicarbonate and related technologies, including, in addition to baking soda in its stand-alone form, carpet deodorization, laundry detergent, cat litter and toothpaste.

The Company develops, manufactures and markets a variety of household, personal care and specialty products under many well-recognized brand names, including:

- ARM & HAMMER® baking soda;
- XTRA® laundry detergent;
- OXICLEAN® pre-wash laundry additive;
- SCRUB FREE®, KABOOM® and ORANGE GLO® cleaning products;
- NAIR® depilatories;
- FIRST RESPONSE® and ANSWER® home pregnancy and ovulation test kits;
- TROJAN® condoms;
- ORAJEL® oral analgesics;
- ARRID® antiperspirant;
- SIMPLY SALINE® nasal saline moisturizers;
- FELINE PINE® natural cat litter;
- CLOSE-UP® and AIM® toothpastes; and
- SPINBRUSH® battery-operated toothbrushes.

The Company's 2010 net revenues were \$2.6 Billion.

CONSUMER PRODUCTS



SPECIALTY PRODUCTS

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwright_attachments.pdf - Continued

CHURCH & DWIGHT CO., INC.

The Company's Specialty Products segment is the largest U.S. producer of sodium bicarbonate, which it sells together with other specialty inorganic chemicals for a variety of industrial, institutional, medical and food applications. This segment also sells a range of animal nutrition and specialty cleaning products.

The Company's animal nutrition products are manufactured at four Company-owned facilities: one in Old Fort, Ohio, one in Oskaloosa, Iowa, one in Green River, Wyoming and the fourth in Madera, California. The Madera facility is the Company's only Specialty Products production facility located in close proximity to California's dairy industry.

Madera Facility Overview:

The Madera facility is located in a predominantly rural area southeast of Madera, California, on a 7-acre parcel. The 47,000 square foot production/warehouse/office building contains expensive specialized manufacturing equipment capable of producing over 33,560 tons of product per year. The distribution center at the facility ships product throughout the U.S., Canada, Mexico, Japan, Costa Rica, Panama, and Guatemala, although the bulk of animal feed product has historically been purchased by the regional dairy industry. To make production at the facility possible, the Company purchases raw materials, other goods, and services from 88 suppliers and vendors – 59 of which are located in California.

Because California is the largest dairy producing state in the country -- with much of the production centered in the Central Valley -- Madera is an ideal location for the Company's manufacturing and distribution of these products. The Company's Madera facility serves the California dairy industry daily from within the community, enabling hundreds of dairy operations in the state to benefit from a convenient, high-quality and reasonably priced source of animal nutrition products.

Madera Facility Products:

At the Madera facility, the Company manufactures, markets and sells MEGALAC[®], MEGALAC R[®], and MEGAMINE-L[®] rumen bypass fat, nutritional supplements made from natural oils, which enable cows to maintain energy levels during periods of high milk production, resulting in improved milk yields and minimized weight loss. The Madera facility also serves as a regional distribution center for these and other products, including: BIO-CHLOR[®], MEGALAC[®] Plus, FERMENTEN[®], and DCAD[®] Plus, a range of specialty feed ingredients for dairy cows, which improve rumen feed efficiency and help increase milk production.

Madera Community Outreach Activities:

The Company has made substantial contributions to the local community in Madera. For example, the Company employs Heartland Opportunity Center for lawn care at the facility. Heartland provides employment, job placement, vocational and life skills training to adults with mental, physical and/or emotional disabilities.

CONSUMER PRODUCTS



SPECIALTY PRODUCTS

CHURCH & DWIGHT CO., INC.

The Company regularly donates funds to:

- The City of Madera for its 4th of July Celebration;
- The local Fire Department;
- The High School Robotics Team; and
- The Madera County Health Department.

The Company also donates raffle prizes to the Chamber of Commerce, holds an Employee Food Drive each year, and donates to the Food Bank. In addition, the Company participates in Business Outreach programs at the High School.

Impacts from Closure of Facility:

Given the high cost of the facility and its equipment, closure of the facility at its current location, which would result from certain proposed alternative routings of the proposed High Speed Rail Project, could lead to consolidation of the Company's operations, or development of a new facility, out of State. Closure of this facility would result in the loss of economic contributions – including jobs and taxes – to the local community and the State, and could cause supply interruptions, higher shipping prices, and other adverse effects to customers, and loss of market to suppliers and vendors of the facility.

CONSUMER PRODUCTS

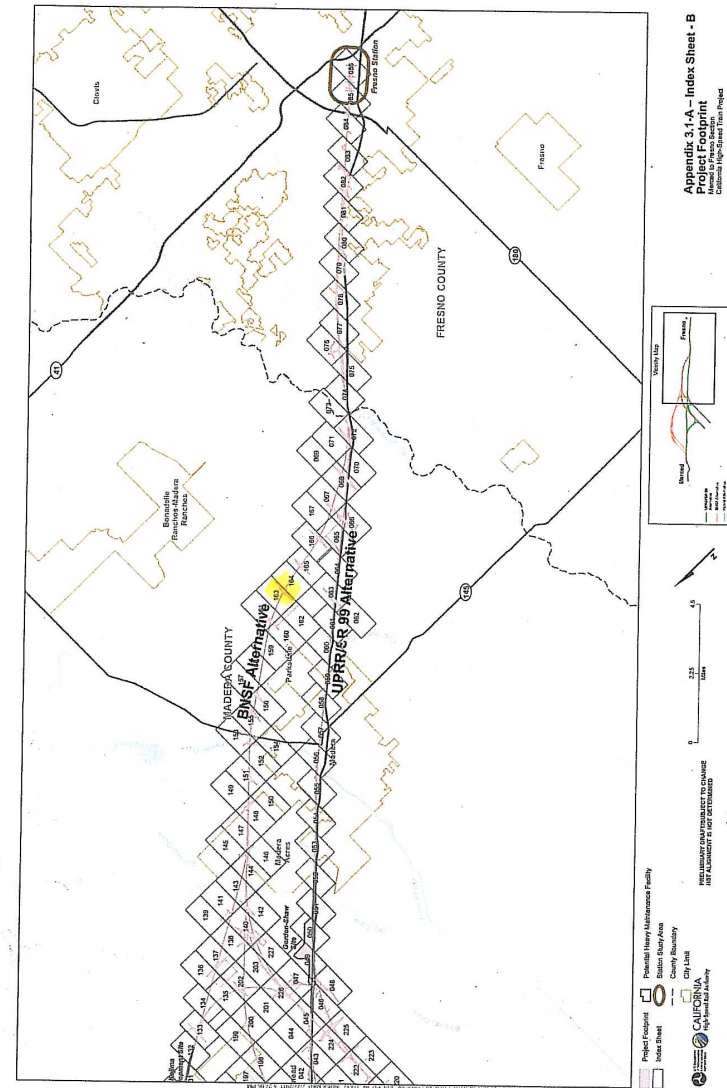


SPECIALTY PRODUCTS

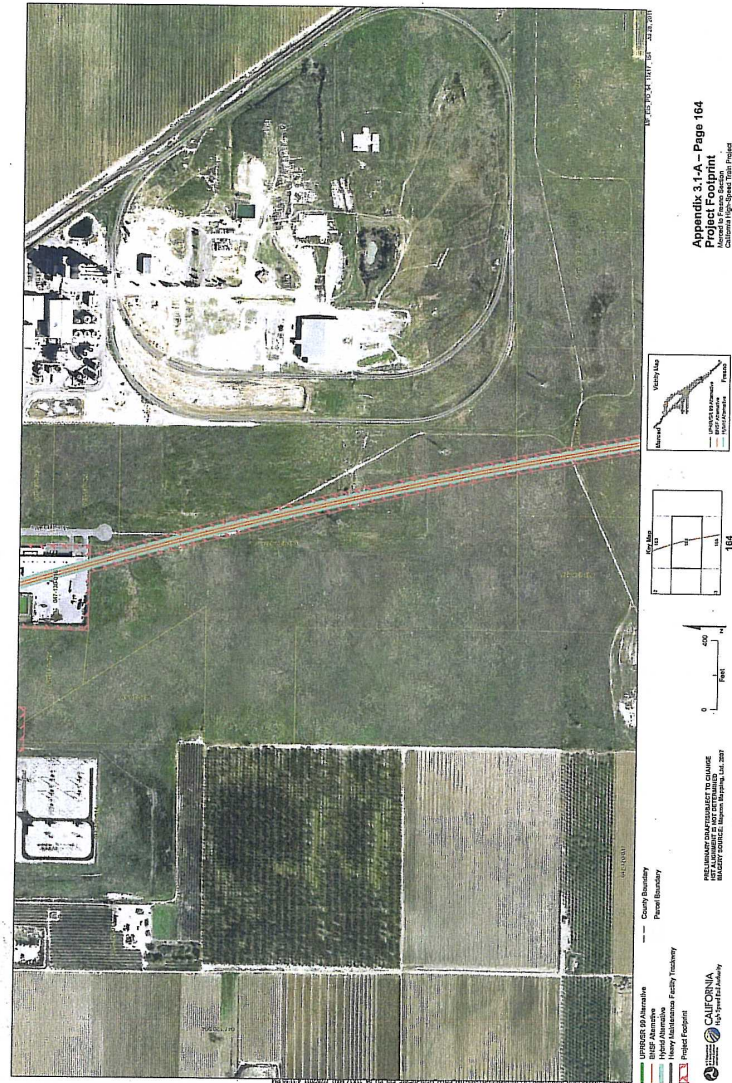
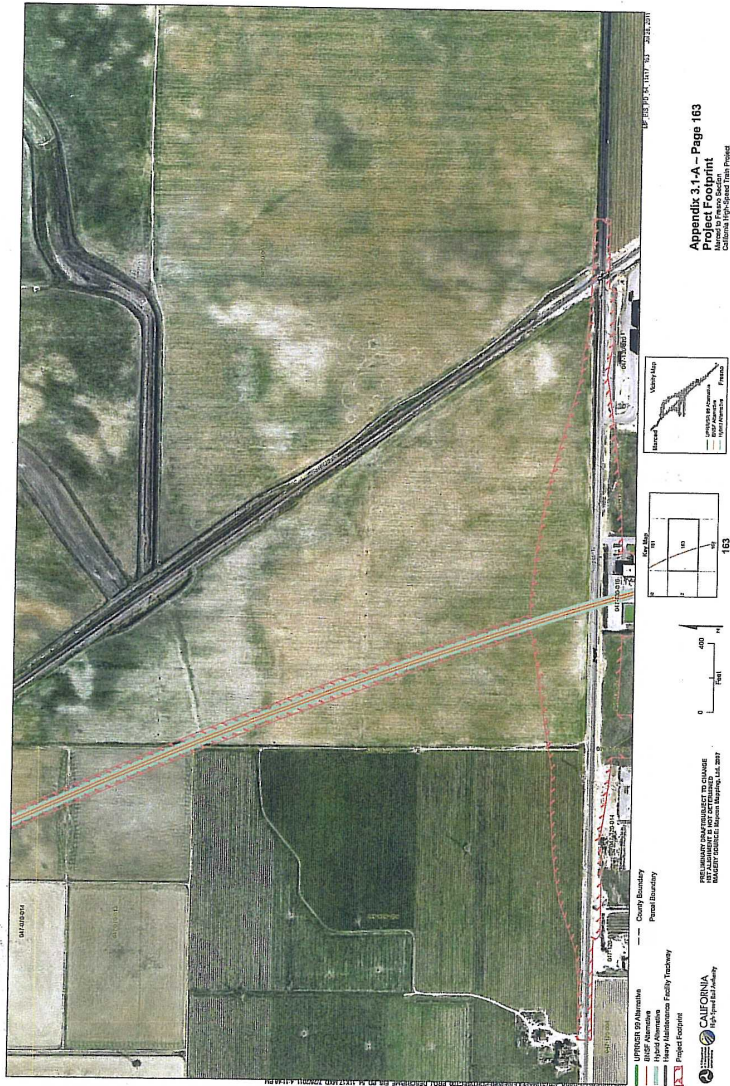
Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
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Attachment B

Excerpts from Appendix 3.1a to DEIS



Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued



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Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

Attachment C

Excerpts from NOP for Merced to Bakersfield HST System

Dated: February 23, 2009

Judge Quentin L. Kopp, Chairman
Fran Flores*, Vice-Chair
David Crane
Rod Diridon, Sr.*
R. Kirk Lindsey
Curt Pringle
Lynn Schenik
T.J. (Tom) Stapleton
Tom Limberg
*past chair



ARNOLD SCHWARZENEGGER
GOVERNOR



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

SCH 2009021107

NOTICE OF PREPARATION

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Project Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for a Merced to Bakersfield High-Speed Train system

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) system, is issuing this Notice of Preparation of a Project EIR/EIS for the Merced to Bakersfield section of the proposed HST system.

This NOP initiates the State CEQA process and the preparation of an Environmental Impact Report/Environmental Impact Statement for the Merced to Bakersfield section of the proposed California High-Speed Train System. The Authority is issuing this NOP to solicit public and agency input into the development of the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The Federal Railroad Administration (FRA), an operating administration with the United States Department of Transportation, will serve as federal lead agency for the federal environmental review process complying with the National Environmental Policy Act (NEPA). The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed train system. The FRA will publish a Notice of Intent (NOI) in the *Federal Register*, announcing the agency's intention to initiate the federal environmental review process for this section of the HST project.

The Authority and the FRA completed a Final Statewide Program EIR/EIS in August 2005 as the first-phase of a tiered environmental review process for the proposed California HST system. The Authority and the FRA completed a second program EIR/EIS in July 2008 to identify a preferred alignment for the Bay Area to Central Valley section of the HST system. The Bay Area to Central Valley HST Program EIR/EIS identified a preferred alternative through the Pacheco Pass with San Francisco and San Jose termini, as well as preferred corridor alignments and station location options. The alignment selected with the second program EIR/EIS uses the Union Pacific (UPRR) railroad corridor through the portion of the Central Valley studied (just north of Madera to just south of Stockton). The Burlington Northern Santa Fe (BNSF) is the preferred alignment from Madera to Bakersfield, as selected with the Statewide Program EIR/EIS. Tiering from the two program EIR/EISs, the Authority and the FRA will prepare a project EIR/EIS for the Merced to Bakersfield section of the HST.

DATES: Written comments on the scope of the Merced to Bakersfield HST project EIR/EIS should be provided to the Authority at the earliest possible date but not later than April 10, 2009. Public scoping meetings are scheduled from March 18 to March 26, 2009 as noted below.

ADDRESSES: Written comments on the scope should be sent to Ms. Carrie Pourvahidi, Deputy Director, ATTN: Merced to Bakersfield HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "Merced to Bakersfield HST" to: comments@hsr.ca.gov. Comments may also be provided orally or in writing at the scoping meetings.

925 L Street, Suite 1425 • Sacramento, CA 95814 • 916.324.1541 • fax 916.322.0827
www.cahighspeedrail.ca.gov

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Pourvahidi at (916) 324-1541 or at the above noted address.

SUPPLEMENTARY INFORMATION: The California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade-separated state-of-the-art track. The Authority released an updated Business Plan in November 2008.

In 2005, the Authority and FRA completed a Final Program EIR/EIS for the Proposed California High-Speed Train System (Statewide Program EIR/EIS), as the first phase of a tiered environmental review process. The Authority certified the Final Program EIR under CEQA and approved the proposed HST System, and FRA issued a Record of Decision under NEPA on the Federal Program EIS. This statewide program EIR/EIS established the purpose and need for the HST system, analyzed an HST system, and compared it with a No Project/No Action Alternative and a Modal Alternative. In approving the statewide program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST system in site-specific project environmental review to avoid and minimize potential adverse environmental impacts. In the subsequent Bay Area to Central Valley HST Final Program EIR/EIS, the Authority and FRA selected the Pacheco Pass alternative to connect the Bay Area to the Central Valley.

The Merced to Bakersfield HST Project EIR/EIS will tier from the Final Statewide Program EIR/EIS and the Final Bay Area to Central Valley HST Program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR § 1508.28) and State CEQA Guidelines (14 C.C.R. § 15168[b]). Tiering will ensure that the Merced to Bakersfield HST Project EIR/EIS builds upon all previous work prepared for and incorporated in the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS.

The Project EIR/EIS will describe site-specific environmental impacts, will identify specific mitigation measures to address those impacts and will incorporate design practices to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of proposed site-specific HST project sections to determine whether the adverse impacts are potentially significant and whether adverse impacts can be avoided or mitigated. This and other project EIR/EISs will identify and evaluate reasonable and feasible site-specific alignment alternatives, and evaluate the impacts from construction, operation, and maintenance of the HST system. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: <http://www.cahighspeedrail.gov/>.

Project Objectives/Purpose and Need: The purpose of the proposed HST system is to provide a new mode of high-speed intercity travel that would link major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources. The need for a HST system is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from a transportation system that will be come less reliable as travel demand increases. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth.

Alternatives: Merced to Bakersfield HST Project EIR/EIS will consider a No Action or No Project Alternative and a HST Alternative for the Merced to Bakersfield corridor.

No Action Alternative: The No Action Alternative (No Project or No Build) represents the conditions in the corridor as it existed in 2007, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP), Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate and maintain an electric-powered steel-wheel-on-steel-rail HST system, about 800 miles long, capable of operating speeds of 220 mph on mostly dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. As part of the Bay Area to Central Valley HST Program EIR/EIS, the Authority and FRA selected the Union Pacific (UPRR) railroad alignment through the portion of the Central Valley studied (just north of Madera and just south of Stockton) as the preferred alternative. This Project EIR/EIS will also evaluate the BNSF railroad alignment in this part of the Central Valley because of the uncertainty of negotiating with the UPRR for some of their right-of-way and will continue investigation of alignments/linkages to a potential maintenance facility at Castle AFB. The preferred BNSF alignment from Madera to Bakersfield was selected in the Statewide Program EIR/EIS. As defined in the Statewide Program EIR/EIS, this alignment utilizes the UPRR corridor through the urban area of Fresno, and requires a new high-speed alignment around the city of Hanford. Alignment alternatives will also be evaluated to serve a potential station in the Visalia/Hanford/Tulare area. The HST would operate at speeds up to 220 mph in the Central Valley on tracks separate from the existing BNSF and UP. Further engineering studies to be undertaken as part of this EIR/EIS process will examine and refine alignments in the BNSF and UP corridors. The entire alignment would be grade separated from existing roadways. In addition, alternative sites for right-of-way maintenance, train storage facilities, and a heavy maintenance and repair facility will be evaluated in the Merced to Bakersfield HST project area. See Figure A for a map of the Merced to Bakersfield section of the HST system.

The three preferred station locations selected by the Authority and FRA through the Statewide Program EIR/EIS and Bay Area to Central Valley HST Final Program-Level EIR/EIS will be evaluated in the Merced to Bakersfield HST Project EIR/EIS. These stations are downtown Merced, downtown Fresno, and downtown Bakersfield. Alternative station sites at or near the selected locations may be identified and evaluated. A potential HST station to serve the Visalia/Hanford/Tulare area will also be evaluated in this Project EIR/EIS.

Probable Effects: The purpose of the EIR/EIS process is to explore in a public setting the effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the HST system. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; land acquisition, displacements, and relocations and cumulative and secondary impacts; agricultural land impacts; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water resources, noise, vibration, energy, wildlife and ecosystems, including endangered species. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments: The Authority encourages broad participation in the EIR/EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in determining whether there are areas of environmental concern where there might be a potential for significant site-specific impacts. In response to this NOP, public agencies with jurisdiction are requested to advise FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

germane to the agency's statutory responsibilities in connection with the proposed project. Public scoping meetings have been scheduled as an important component of the scoping process for both the State and Federal environmental review. The scoping meetings described in this Notice will be advertised locally and included in additional public notification. Scoping meetings scheduled from 3:00 p.m. to 7:00 p.m. as follows:

- March 18, 2009: Merced Community Senior Center, 755 W. 15th Street, Merced
- March 19, 2009: Madera County Fairgrounds, Madera, 1850 West Cleveland Avenue, Madera
- March 24, 2009: Visalia Convention Center 303 E. Acequia Avenue, Visalia
- March 25, 2009: Fresno Convention Center (Exhibit Hall), 848 M Street, Fresno
- March 26, 2009: Rabobank Theater, 1001 Truxtun Avenue, Bakersfield

Public agencies are requested to send their responses to this Notice of Preparation to the Authority at the earliest possible date but not later than April 10, 2009.

Please send your response and direct any comments or questions regarding this Project to Ms. Carrie Pourvahidi, Deputy Director of the California High-Speed Rail Authority at the address shown above.

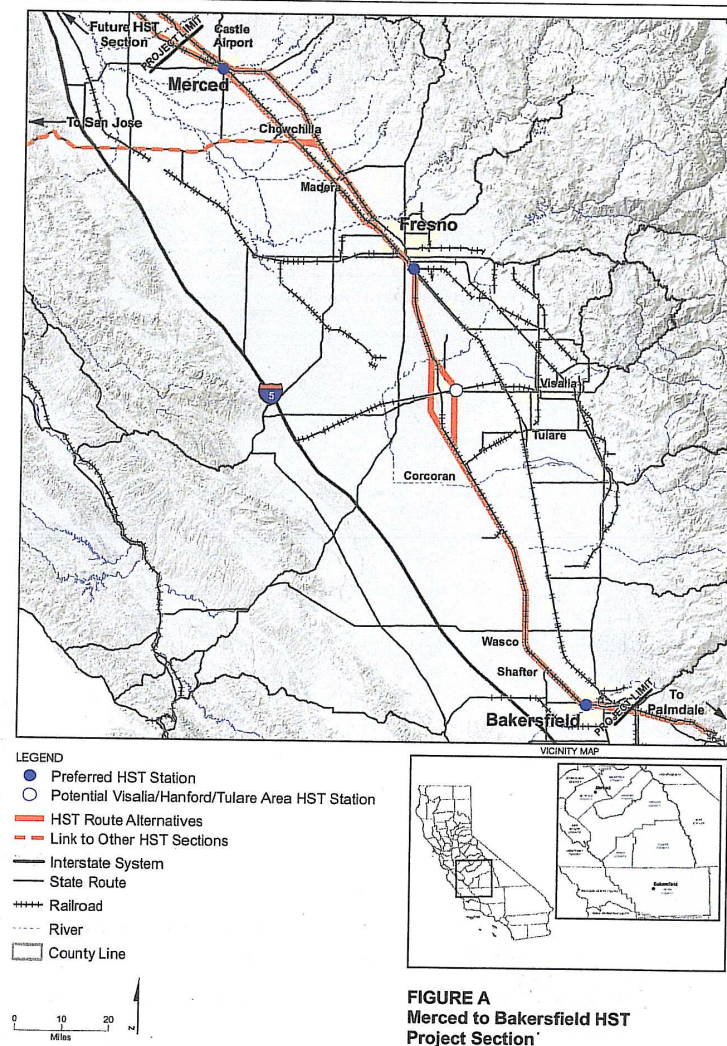
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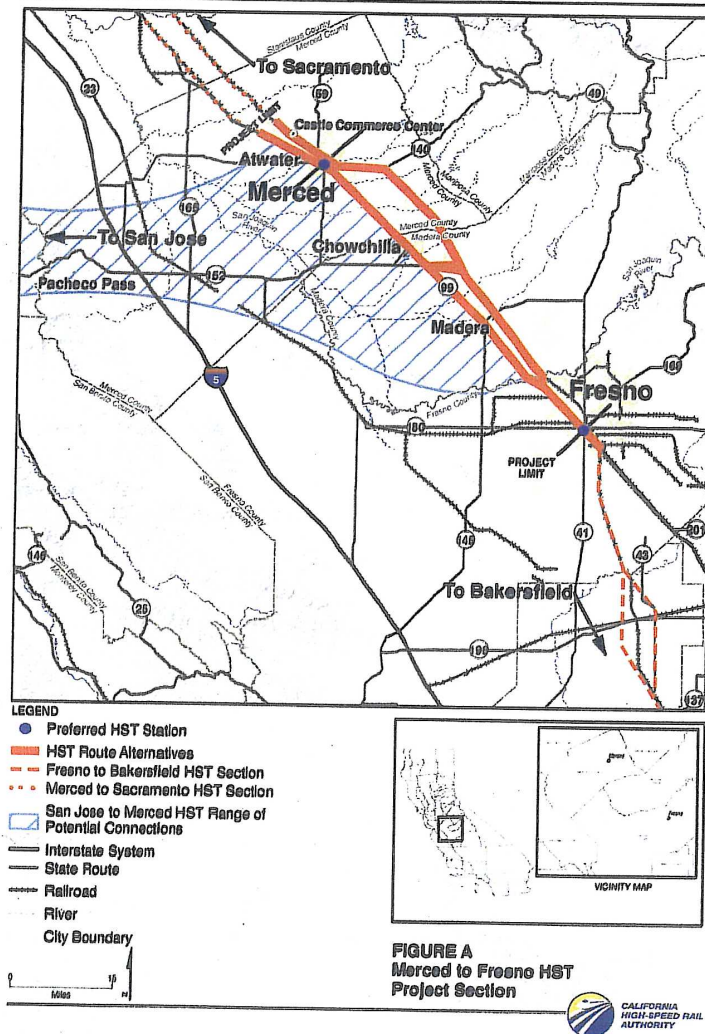
Signature:

Mehdi Morshed for
Mehdi Morshed, Executive Director

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Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued



Attachment D

CNPS Botanical Survey Guidelines

Revised: June 2, 2001

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

CNPS Botanical Survey Guidelines

CALIFORNIA NATIVE PLANT SOCIETY
December 9, 1983
Revised June 2, 2001

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how surveys should be conducted, and what information should be contained in the survey report. The California Native Plant Society recommends that lead agencies not accept the results of surveys unless they are conducted and reported according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all botanical resources, including special status plants (rare, threatened, and endangered plants) and plant (vegetation) communities. Special status plants are not limited to those that have been listed by state and federal agencies but include any plants that, based on all available data, can be shown to be rare, threatened, or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.¹

Rare plant (vegetation) communities are those communities that are of highly limited distribution. These communities may or may not contain special status plants. The most current version of the California Natural Diversity Database's *List of California Terrestrial Natural Communities*² should be used as a guide to the names and status of communities.

Consistent with the California Native Plant Society's goal of preserving plant biodiversity on a regional and local scale, and with California Environmental Quality Act environmental impact assessment criteria³, surveys should also assess impacts to locally significant plants. Both plants and plant communities can be considered significant if their local occurrence is on the outer limits of known distribution, a range extension, a rediscovery, or rare or uncommon in a local context (such as within a county or region). Lead agencies should address impacts to these locally unique botanical resources regardless of their status elsewhere in the state.

2. Botanical surveys must be conducted to determine if, or to the extent that, special status or locally significant plants and plant communities will be affected by a proposed project when any natural vegetation occurs on the site and the project has the potential for direct or indirect effects on vegetation.
3. Those conducting botanical surveys must possess the following qualifications:
 - a. Experience conducting floristic field surveys;
 - b. Knowledge of plant taxonomy and plant community ecology and classification;
 - c. Familiarity with the plants of the area, including special status and locally significant plants;

¹ California Environmental Quality Act Guidelines, §15065 and §15380.

² List of California Terrestrial Natural Communities. California Department of Fish and Game Natural Diversity Database, Sacramento, CA.

³ California Environmental Quality Act Guidelines, Appendix G (Initial Study Environmental Checklist).

CNPS Botanical Survey Guidelines
Revised June 2, 2001, Page 2 of 3

- d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
 - e. Experience with analyzing impacts of a project on native plants and communities.
4. Botanical surveys should be conducted in a manner that will locate any special status or locally significant plants or plant communities that may be present. Specifically, botanical surveys should be:
 - a. Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable. When special status plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the plants are identifiable at the time of survey.
 - b. Floristic in nature. A floristic survey requires that every plant observed be identified to species, subspecies, or variety as applicable. In order to properly characterize the site, a complete list of plants observed on the site shall be included in every botanical survey report. In addition, a sufficient number of visits spaced throughout the growing season is necessary to prepare an accurate inventory of all plants that exist on the site. The number of visits and the timing between visits must be determined by geographic location, the plant communities present, and the weather patterns of the year(s) in which the surveys are conducted.
 - c. Conducted in a manner that is consistent with conservation ethics and accepted plant collection and documentation techniques^{4,5}. Collections (voucher specimens) of special status and locally significant plants should be made, unless such actions would jeopardize the continued existence of the population. A single sheet should be collected and deposited at a recognized public herbarium for future reference. All collections shall be made in accordance with applicable state and federal permit requirements. Photography may be used to document plant identification only when the population cannot withstand collection of voucher specimens.
 - d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas. All habitats within the project site must be surveyed thoroughly in order to properly inventory and document the plants present. The level of effort required per given area and habitat is dependent upon the vegetation and its overall diversity and structural complexity.
 - e. Well documented. When a special status plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5-minute topographic map with the occurrence mapped, shall be completed, included within the survey report, and separately submitted to the California Natural Diversity Database. Population boundaries should be mapped as accurately as possible. The number of individuals in each population should be counted or estimated, as appropriate.
 5. Complete reports of botanical surveys shall be included with all environmental assessment documents, including Negative Declarations and Mitigated Negative Declarations, Timber Harvesting Plans, Environmental Impact Reports, and Environmental Impact Statements. Survey reports shall contain the following information:
 - a. Project location and description, including:

⁴ Collecting Guidelines and Documentation Techniques. California Native Plant Society Policy (adopted March 4, 1995).

⁵ Ferren, W.R., Jr., D.L. Magney, and T.A. Sholars. 1995. The Future of California Floristics and Systematics: Collecting Guidelines and Documentation Techniques. *Madroño* 42(2):197-210.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwright_attachments.pdf - Continued

CNPS Botanical Survey Guidelines
Revised June 2, 2001, Page 3 of 3

- 1) A detailed map of the location and footprint of the proposed project.
- 2) A detailed description of the proposed project, including one-time activities and ongoing activities that may affect botanical resources.
- 3) A description of the general biological setting of the project area.
- b. Methods, including:
 - 1) Survey methods for each of the habitats present, and rationale for the methods used.
 - 2) Description of reference site(s) visited and phenological development of the target special status plants, with an assessment of any conditions differing from the project site that may affect their identification.
 - 3) Dates of surveys and rationale for timing and intervals; names of personnel conducting the surveys; and total hours spent in the field for each surveyor on each date.
 - 4) Location of deposited voucher specimens and herbaria visited.
- c. Results, including:
 - 1) A description and map of the vegetation communities on the project site. The current standard for vegetation classification, *A Manual of California Vegetation*⁶, should be used as a basis for the habitat descriptions and the vegetation map. If another vegetation classification system is used, the report must reference the system and provide the reason for its use.
 - 2) A description of the phenology of each of the plant communities at the time of each survey date.
 - 3) A list of all plants observed on the project site using accepted scientific nomenclature, along with any special status designation. The reference(s) used for scientific nomenclature shall be cited.
 - 4) Written description and detailed map(s) showing the location of each special status or locally significant plant found, the size of each population, and method used to estimate or census the population.
 - 5) Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms and accompanying maps.
- d. Discussion, including:
 - 1) Any factors that may have affected the results of the surveys (e.g., drought, human disturbance, recent fire).
 - 2) Discussion of any special local or range-wide significance of any plant population or community on the site.
 - 3) An assessment of potential impacts. This shall include a map showing the distribution of special status and locally significant plants and communities on the site in relation to the proposed activities. Direct, indirect, and cumulative impacts to the plants and communities shall be discussed.
 - 4) Recommended measures to avoid and/or minimize direct, indirect, and cumulative impacts.
- e. References cited and persons contacted.
- f. Qualifications of field personnel including any special experience with the habitats and special status plants present on the site.

Attachment E

CDFG Staff Report on Burrowing Owl Mitigation

Dated: October 1995

⁶ Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, CA. 471 pp.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

State of California

M e m o r a n d u m

Dir. Chiefs - IFD, RDD, NED, & WMD
Reg. Mgrs. - Regions 1, 2, 3, 4, & 5

Date : October 17, 1995

From : Department of Fish and Game

Subject :
Staff Report on Burrowing Owl Mitigation

I am hereby transmitting the Staff Report on Burrowing Owl Mitigation for your use in reviewing projects (California Environmental Quality Act [CEQA] and others) which may affect burrowing owl habitat. The Staff Report has been developed during the last several months by the Environmental Services Division (ESD) in cooperation with the Wildlife Management Division (WMD) and regions 1, 2, and 4. It has been sent out for public review and redrafted as appropriate.

Either the mitigation measures in the staff report may be used or project specific measures may be developed. Alternative project specific measures proposed by the Department divisions/regions or by project sponsors will also be considered. However, such mitigation measures must be submitted to ESD for review. The review process will focus on the consistency of the proposed measure with Department, Fish and Game Commission, and legislative policy and with laws regarding raptor species. ESD will coordinate project specific mitigation measure review with WMD.

If you have any questions regarding the report, please contact Mr. Ron Rempel, Supervising Biologist, Environmental Services Division, telephone (916) 654-9980.

COPY Original signed by
C.F. Raysbrook

C. F. Raysbrook
Interim Director

Attachment

cc: Mr. Ron Rempel
Department of Fish and Game
Sacramento

STAFF REPORT ON BURROWING OWL MITIGATION

Introduction

The Legislature and the Fish and Game Commission have developed the policies, standards and regulatory mandates to protect native species of fish and wildlife. In order to determine how the Department of Fish and Game (Department) could judge the adequacy of mitigation measures designed to offset impacts to burrowing owls (*Speotyto cunicularia*; A.O.U. 1991) staff (WMD, ESD, and Regions) has prepared this report. To ensure compliance with legislative and commission policy, mitigation requirements which are consistent with this report should be incorporated into: (1) Department comments to Lead Agencies and project sponsors pursuant to the California Environmental Quality Act (CEQA); and (2) other authorizations the Department gives to project proponents for projects impacting burrowing owls.

This report is designed to provide the Department (including regional offices and divisions), CEQA Lead Agencies and project proponents the context in which the Environmental Services Division (ESD) will review proposed project specific mitigation measures. This report also includes preapproved mitigation measures which have been judged to be consistent with policies, standards and legal mandates of the Legislature, the Fish and Game Commission and the Department's public trust responsibilities. Implementation of mitigation measures consistent with this report are intended to help achieve the conservation of burrowing owls and should compliment multi-species habitat conservation planning efforts currently underway. The *Burrowing Owl Survey Protocol and Mitigation Guidelines* developed by The California Burrowing Owl Consortium (CBOC 1993) were taken into consideration in the preparation of this staff report as were comments from other interested parties.

A range-wide conservation strategy for this species is needed. Any range-wide conservation strategy should establish criteria for avoiding the need to list the species pursuant to either the California or federal Endangered Species Acts through preservation of existing habitat, population expansion into former habitat, recruitment of young into the population, and other specific efforts.

California's burrowing owl population is clearly declining and, if declines continue, the species may qualify for listing. Because of the intense pressure for urban development within suitable burrowing owl nesting and foraging habitat (open, flat and gently rolling grasslands and grass/shrub lands) in California, conflicts between owls and development projects often occur. Owl survival can be adversely affected by disturbance and foraging habitat loss even when impacts to individual birds and nests/burrows are avoided. Adequate information about the presence of owls is often unavailable prior to project approval. Following project approval there is no legal mechanism through which to seek mitigation other than avoidance of occupied burrows or nests. The absence of standardized survey methods often impedes consistent impact assessment.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

Burrowing Owl Habitat Description

Burrowing owl habitat can be found in annual and perennial grasslands, deserts, and arid scrublands characterized by low-growing vegetation (Zarn 1974). Suitable owl habitat may also include trees and shrubs if the canopy covers less than 30 percent of the ground surface. Burrows are the essential component of burrowing owl habitat. Both natural and artificial burrows provide protection, shelter, and nests for burrowing owls (Henny and Blus 1981). Burrowing owls typically use burrows made by fossorial mammals, such as ground squirrels or badgers, but also may use man-made structures such as cement culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement.

Occupied Burrowing Owl Habitat

Burrowing owls may use a site for breeding, wintering, foraging, and/or migration stopovers. Occupancy of suitable burrowing owl habitat can be verified at a site by detecting a burrowing owl, its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance. Burrowing owls exhibit high site fidelity, reusing burrows year after year (Rich 1984, Feeney 1992). A site should be assumed occupied if at least one burrowing owl has been observed occupying a burrow there within the last three years (Rich 1984).

CEQA Project Review

The measures included in this report are intended to provide a decision-making process that should be implemented whenever there is potential for an action or project to adversely affect burrowing owls. For projects subject to the California Environmental Quality Act (CEQA), the process begins by conducting surveys to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows and foraging habitat should be incorporated into the CEQA document as enforceable conditions. The measures in this document are intended to conserve the species by protecting and maintaining viable populations of the species throughout their range in California. This may often result in protecting and managing habitat for the species at sites away from rapidly urbanizing/developing areas. Projects and situations vary and mitigation measures should be adapted to fit specific circumstances.

Projects not subject to CEQA review may have to be handled separately since the legal authority the Department has with respect to burrowing owls in this type of situation is often limited. The burrowing owl is protected from "take" (Section 3503.5 of the Fish and Game Code) but unoccupied habitat is likely to be lost for activities not subject to CEQA.

Legal Status

The burrowing owl is a migratory species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws generally requires that project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle (February 1 to August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "take" and is potentially punishable by fines and/or imprisonment.

The burrowing owl is a Species of Special Concern to California because of declines of suitable habitat and both localized and statewide population declines. Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the CEQA (Guidelines, Section 15380, subsections b and d). The CEQA requires a mandatory findings of significance if impacts to threatened or endangered species are likely to occur (Sections 21001 (c), 2103; Guidelines 15380, 15064, 15065). To be legally adequate, mitigation measures must be capable of "avoiding the impact altogether by not taking a certain action or parts of an action"; "minimizing impacts by limiting the degree or magnitude of the action and its implementation"; "rectifying the impact by repairing, rehabilitating or restoring the impacted environment"; "or reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action" (Guidelines, Section 15370). Avoidance or mitigation to reduce impacts to less than significant levels must be included in a project or the CEQA lead agency must make and justify findings of overriding considerations.

Impact Assessment

Habitat Assessment

The project site and a 150 meter (approximately 500 ft.) buffer (where possible and appropriate based on habitat) should be surveyed to assess the presence of burrowing owls and their habitat (Thomsen 1971, Martin 1973). If occupied habitat is detected on or adjacent to the site, measures to avoid, minimize, or mitigate the project's impacts to the species should be incorporated into the project, including burrow preconstruction surveys to ensure avoidance of direct take. It is also recommended that preconstruction surveys be conducted if the species was not detected but is likely to occur on the project site.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

Burrowing Owl and Burrow Surveys

Burrowing owl and burrow surveys should be conducted during both the wintering and nesting seasons, unless the species is detected on the first survey. If possible, the winter survey should be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of the breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are also preferable.

Surveys should be conducted by walking suitable habitat on the entire project site and (where possible) in areas within 150 meters (approx. 500 ft.) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors -such as noise and vibration (heavy equipment, etc.) during project construction. Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approx. 100 ft.) and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors should be used to walk adjacent transects. To avoid impacts to owls from surveyors, owls and/or occupied burrows should be avoided by a minimum of 50 meters (approx. 160 ft.) wherever practical. Disturbance to occupied burrows should be avoided during all seasons.

Definition of Impacts

The following should be considered impacts to the species:

- Disturbance within 50 meters (approx. 160 ft.) Which may result in harassment of owls at occupied burrows;
- Destruction of natural and artificial burrows (culverts, concrete slabs and debris piles that provide shelter to burrowing owls); and
- Destruction and/or degradation of foraging habitat adjacent (within 100 m) of an occupied burrow(s).

Written Report

A report for the project should be prepared for the Department and copies should be submitted to the Regional contact and to the Wildlife Management Division Bird and Mammal Conservation Program. The report should include the following information:

- Date and time of visit(s) including name of the qualified biologist conducting surveys, weather and visibility conditions, and survey methodology;
- Description of the site including location, size, topography, vegetation communities, and animals observed during visit(s);
- Assessment of habitat suitability for burrowing owls;
- Map and photographs of the site;
- Results of transect surveys including a map showing the location of all burrow(s) (natural or artificial) and owl(s), including the numbers at each burrow if present and tracks, feathers, pellets, or other items (prey remains, animal scat);
- Behavior of owls during the surveys;
- Summary of both winter and nesting season surveys including any productivity information and a map showing territorial boundaries and home ranges; and
- Any historical information (Natural Diversity Database, Department regional files? Breeding Bird Survey data, American Birds records, Audubon Society, local bird club, other biologists, etc.) regarding the presence of burrowing owls on the site.

Mitigation

The objective of these measures is to avoid and minimize impacts to burrowing owls at a project site and preserve habitat that will support viable owls populations. If burrowing owls are detected using the project area, mitigation measures to minimize and offset the potential impacts should be included as enforceable measures during the CEQA process.

Mitigation actions should be carried out from September 1 to January 31 which is prior to the nesting season (Thomsen 1971, Zam 1974). Since the timing of nesting activity may vary with latitude and climatic conditions, this time frame should be adjusted accordingly. Preconstruction surveys of suitable habitat at the project site(s) and buffer zone(s) should be conducted within the 30 days prior to construction to ensure no additional, burrowing owls have established territories since the initial surveys. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed.

Although the mitigation measures may be included as enforceable project conditions in the CEQA process, it may also be desirable to formalize them in a Memorandum of Understanding (MOU) between the Department and the project sponsor. An MOU is needed when lands (fee title or conservation easement) are being transferred to the Department.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

Specific Mitigation Measures

1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the Department. *Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.* The CBOC has also developed mitigation guidelines (CBOC 1993) that can be incorporated by CEQA lead agencies and which are consistent with this staff report.
3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. One example of an artificial burrow design is provided in Attachment A.
4. If owls must be moved away from the disturbance area, passive relocation techniques (as described below) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.
5. The project sponsor should provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

Impact Avoidance

If avoidance is the preferred method of dealing with potential project impacts, then no disturbance should occur within 50 meters (approx. 160 ft.) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 meters (approx. 250 ft.) during the breeding season of February 1 through August 31. Avoidance also requires that a minimum of 6.5 acres of foraging habitat be *permanently* preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird. The configuration of the protected habitat should be approved by the Department.

CDFOIESD
September 25, 1995

6

Passive Relocation - With One-Way Doors

Owls should be excluded from burrows in the immediate impact zone and within a 50 meter (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to insure owls have left the burrow before excavation. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be *monitored daily for one week* to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

Passive Relocation - Without One-Way Doors

Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be *monitored daily until the owls have relocated to the new burrows*. The formerly occupied burrows may then be excavated. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow.

Projects Not Subject to CEQA

The Department is often contacted regarding the presence of burrowing owls on construction sites, parking lots and other areas for which there is no CEQA action or for which the CEQA process has been completed. In these situations, the Department should seek to reach agreement with the project sponsor to implement the specific mitigation measures described above. If they are unwilling to do so, passive relocation without the aid of one-way doors is their only option based upon Fish and Game Code 3503.5.

CDFOIESD
September 25, 1995

7

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

ATTACHMENT A

Literature Cited

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Evas 10(1):38 Spring 1987

Reproductive Success of Burrowing Owls Using Artificial Nest Burrows in Southeastern Idaho

by Bruce Olenick

Artificial nest burrows were implanted in southeastern Idaho for burrowing owls in the spring of 1986. These artificial burrows consisted of a 12" x 12" x 8' wood nesting chamber with removable top and a 6 foot corrugated and perforated plastic drainage pipe 6 inches in diameter (Fig. 1). Earlier investigators claimed that artificial burrows must provide a natural dirt floor to allow burrowing owls to modify the nesting tunnel and chamber. Contrary to this, the artificial burrow introduced here does not allow owls to modify the entrance or tunnel. The inability to change the physical dimensions of the burrow tunnel does not seem to reflect the owls' breeding success or deter them from using this burrow design.

In 1936, 22 artificial burrows were inhabited. Thirteen nesting attempts yielded an average clutch size of 8.3 eggs per breeding pair. Eight nests successfully hatched at least 1 nestling. In these nests, 67 of 75 eggs hatched (89.3%) and an estimated 61 nestlings (91.0%) fledged. An analysis of the egg laying and incubation periods showed that incubation commenced well after egg lay-

ing began. Average clutch size at the start of incubation was 5.6 eggs. Most eggs tended to hatch synchronously in all successful nests.

Although the initial cost of constructing this burrow design may be slightly higher than a burrow consisting entirely of wood, the plastic pipe burrow offers the following advantages: (1) it lasts several field seasons without rotting or collapsing; (2) it may prevent or retard predation; (3) construction time is minimal; (4) it is easy to transport, especially over long distances; and (5) the flexible tunnel simplifies installation. The use of this artificial nest burrow design was highly successful and may prove to be a great resource technique for future management of this species.

For additional information on constructing this artificial nest burrow, contact Bruce Olenick, Department of Biology, Idaho State University, Pocatello, ID 83209.

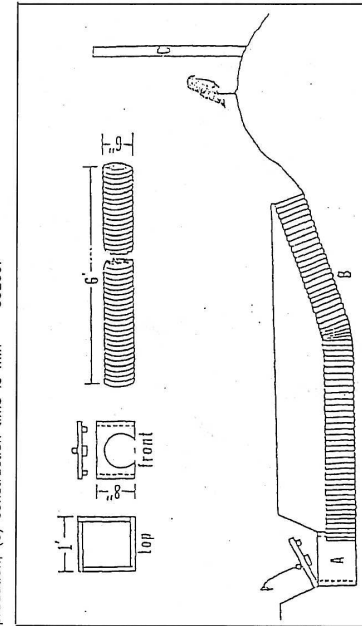


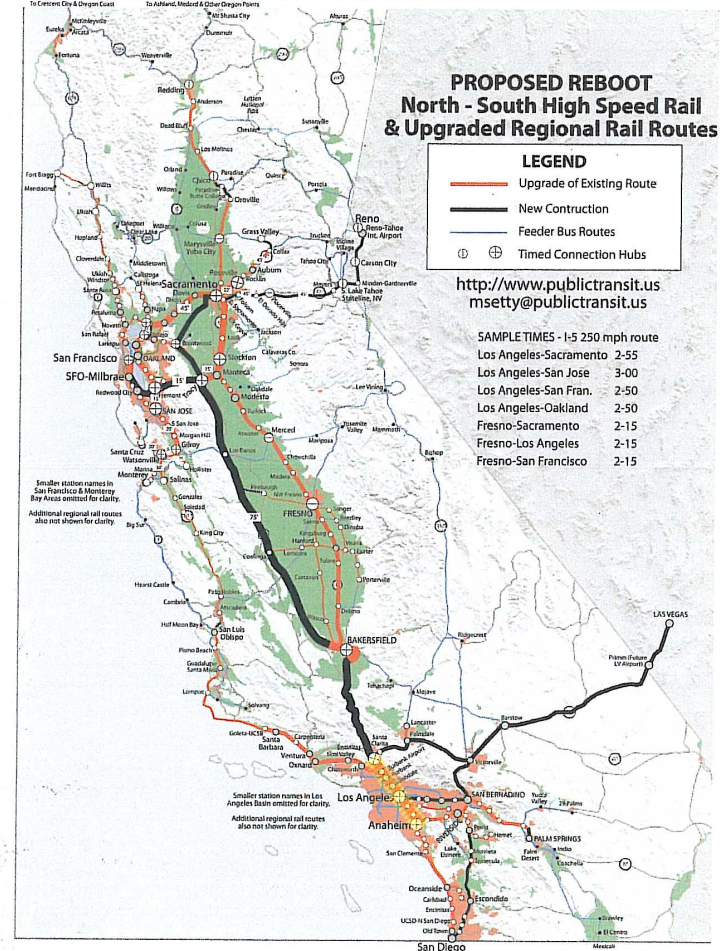
Fig. 1 Artificial nest burrow design for burrowing owls. Entire unit (including nest chamber) is buried 12" - 18" below ground for maintaining thermal stability of the nest chamber. A = nest chamber, B = plastic pipe, C = perch.

Attachment to Submission 795 (Jason W. Holder, Dwight & Church (Attny for), Fitzgerald
Abbott & Beardsley LLP, October 13, 2011) - 796_church&dwight_attachments.pdf - Continued

Attachment F

Figure 10 from Conceptual California-Wide Networked Transit

Figure 10. Conceptual California-Wide Networked Transit



Publictransit.us White Paper 2011-01 *Beyond High Speed Rail: California Networked Transit*

10



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Submission 558 (Dan Silver, Endangered Habitats League, September 19, 2011)

09/19/2011 10:49 FAX

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ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



September 19, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

09-19-11P04:49 RCVD

RE: Request For Additional Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Chairman Umberg and Board Members:

558-1

The Endangered Habitats League (EHL) respectfully requests a several month extension of the comment period, such as through February of 2012, to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. For your reference, EHL is Southern California's only regional conservation group and is active in regional land use and transportation planning efforts.

The draft EIR/EIS is an extremely large and complex document. Indeed, the proposed project is the first stage of what would be the largest public infrastructure project in the history of the State, and the impacts likely to be associated with the proposed project are far reaching in significance. There is a compelling public interest in allowing stakeholders adequate time to comment on a project that will truly shape the future of the State.

For the many affected parties to have a reasonable opportunity to participate, an extension until February of 2012 is necessary. Such a comment period will allow decision-makers the full benefit of high quality public review, which is central to the purposes of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Please act to ensure the best project possible by providing a number of months to comment on the potential impacts of the Fresno to Bakersfield section.

Sincerely,

Dan Silver
Executive Director

8424 SANTA MONICA BLVD, SUITE A 592, LOS ANGELES, CA 90069-4267 ♦ WWW.EHLEAGUE.ORG ♦ PHONE 213.804.2750

Response to Submission 558 (Dan Silver, Endangered Habitats League, September 19, 2011)

558-1

See MF-Response-GENERAL-7.

Submission 610 (Lloyd, Ralph and Fred Fagundes, Fagundes Brothers Dairy, October 12, 2011)

Fagundes Brothers Dairy

October 12, 2011

Chairman Thomas J. Umberg
California High-Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814

**Re: Fagundes Brothers Dairy's Comments on the Merced to Fresno Draft
Environmental Impact Report / Environmental Impact Statement**

Dear Chairman Thomas J. Umberg and Members of the Authority:

The parties referred to in this letter as Fagundes Brothers Dairy¹ have been participating in the California High-Speed Rail Authority's (Authority) environmental review process for many months and we appreciate the opportunity to provide comments on the Merced to Fresno Draft Project Environmental Impact Report / Environmental Impact Statement (EIR/EIS).

Fagundes Brothers Dairy is a third-generation family farm primarily located in Madera and Merced counties. Every route being considered in the EIR/EIS directly impacts our business. Over the last few decades we have diversified our business from a single-barn dairy operation to multiple dairies, almond and pistachio orchards, vineyards, several row crops, and certified organic and conventional farmland.

While acquiring these agricultural properties, we have consciously located them within our core business area and with urban development potential. Accordingly, several of our properties are within the Sphere of Influence or City Limits of Merced, Chowchilla, and Madera. Our core business area also happens to be the location of the infamous "Chowchilla Wye" and the epicenter of California High Speed Rail (HSR) impacts.

HSR will negatively impact our organization in many ways, several are described below:

1. The physical barrier and lack of appeal of the tracks will decrease the value of our agricultural and development land that is not directly impacted by HSR;

¹ As used herein, the term Fagundes Brothers Dairy refers collectively to the following affiliated individuals and entities: 1) Fred Fagundes; 2) Ralph Fagundes; 3) Lloyd Fagundes; 4) Deborah Fagundes; 5) Vicki Fagundes; 6) Fagundes, Fagundes, Fagundes; 7) Fagundes Brothers LLC; 8) Fagundes Dairy; 9) Fagundes Family Trust; 10) Valley Calf LLC; and 11) Fagundes Dairy #2. These comments are submitted on behalf of each of the listed individuals and entities.

Fagundes Brothers Dairy

- 610-2 | 2. The re-routing and closing of roads, as well as the lack of crossings, will severely disrupt our transport of goods, inputs and equipment between facilities;
- 610-3 | 3. Disruptions of water service after impacts to our irrigation systems, especially for permanent crops, will cause tremendous crop damage and/or loss;
- 610-4 | 4. Our ability to comply with the Central Valley Regional Water Quality Control Board's General Order for Existing Milk Barn Dairies will be compromised after HSR impacts to our wastewater lagoons; and
- 610-5 | 5. Farm parcels which have been split by HSR will be extremely inefficient due to difficulties crossing the HSR's right-of-way with equipment, cattle and/or irrigation systems.
- 610-6 | The EIR/EIS fails to address any of the above impacts in a detailed or adequate way, and therefore fails to fully analyze the impacts of the proposed project.
- 610-7 | Our greatest concern is that the Authority is still considering routes that do not follow existing corridors, namely the *A2/Hybrid Alternatives with the Avenue 24 wye*. This route will directly impact 25 of our parcels, including our main milking barns, corrals, lagoon, houses, calf ranch, over 1,000 acres of farmland, and 100s of acres of land within the Sphere of Influence of Chowchilla. The selection of this route will effectively put our third generation Chowchilla farm out-of-business.
- 610-8 | In that regard, if the *A2/Hybrid with the Avenue 24 wye* route is selected, it is our expectation that the Authority will purchase our entire operation at fair market value, including the: land, houses, livestock, barns, equipment and other miscellaneous improvements. In addition, we must be compensated for the loss of future earnings. We have a track record of continued efficiency and profitability and we will demand to be appropriately compensated. We have reviewed the Authority's Uniform Relocation Assistance Program documentation and are appalled at the "not to exceed" dollar amounts for reestablishment expenses and in-lieu payments. Our compensation must be for the fair market value of our entire Chowchilla operation and future earnings, as anything less would be insufficient and constitute a *taking* under the US and California Constitutions.
- 610-9 | Although we adamantly oppose the selection of the *A2/Hybrid with the Avenue 24 wye*, if this route is selected, the Fagundes Heavy Maintenance Facility (HMF) site submitted by the Economic Development Commission of Madera County must be chosen. The area of land within the "we" triangle would become unproductive and undesirable, so the Authority will have to purchase the land in any event. By choosing the Fagundes HMF site, the Authority

Submission 610 (Lloyd, Ralph and Fred Fagundes, Fagundes Brothers Dairy, October 12, 2011) - Continued

Fagundes Brothers Dairy

610-9

would be partially compensating the residents of Chowchilla and Madera County with permanent jobs for the disruptive impacts of the HSR system on our community.

610-10

We believe the Authority has moved head long into the environmental process and has produced an EIR/EIS that is inconsistent with the CEQA guidelines and goes against the spirit of full disclosure. The Authority and Federal Rail Authority (FRA) should delay the certification of this EIR/EIS until accurate and complete analysis is completed and reasonable mitigation measures are described. Throughout the document, the analysis of the environmental impacts is flawed, inadequate, buried in the appendix, or deferred for future study.

610-11

The following are the Fagundes Brothers Dairy primary areas of concern:

I. Piecemealing and Incomplete Disclosure

In CEQA, piecemealing a project is when a large development project is broken up into several small projects. CEQA discourages piecemeal processing because it conceals the true impacts of a development. The EIR/EIS maintains that the Authority and FRA will make a decision on the location of the "wye" when the San Jose to Merced EIR/EIS is certified at a later date. Analysis of numerous other key decisions is similarly postponed. This sort of decision making amounts to piecemealing, which is in violation of both NEPA and CEQA. The entire HSR project and all its impacts much be considered as a whole; the EIR/EIS utterly fails to do that, and thus fails to fully and properly consider project impacts.

610-12

II. Existing Corridors

The Authority made a number of commitments to utilize existing corridors when it certified the Bay Area to Central Valley Program EIR/EIS in 2008. That EIR/EIS expressly acknowledges that the use of existing corridors is one of ten key project objectives. Moreover, the Authority has established that using existing corridors is the most important mitigation strategy to minimize significant environmental impacts to agricultural lands and biological resources.

The *A2/Hybrid using the Avenue 24* wye diagonally severs thousands of acres of farmland because it does not follow an existing corridor and would result in significant and unavoidable impacts to agricultural lands and biological resources. This alignment deviates from an existing corridor, and would require the conversion of large tracts of open space into a new rail corridor. As noted above, our properties are among those impacted in this way.

3

Fagundes Brothers Dairy

610-13

III. Flawed Impact Analysis

The impacts to dairy operations (as well as many other businesses) are essentially overlooked in the EIR/EIS. The document states that dairies are not important farmland and therefore the impact on dairies would be negligible or less than significant. The text refers the reader to the discussion of economic impacts in Section 3.12 Socioeconomics. However, that section also provides a qualitative discussion of impacts on dairies with no attempt at quantifying the economic impacts of reduced operations or closure of some of the dairies due to the project. The EIR/EIS does not even report how many dairies would be affected directly or indirectly. Page 3.14-35 describes noise impacts on dairy cattle but fails to mention any vibration effects which can affect milk production and EMF effects of the project.

The EIR/EIS also fails to address the impacts on operations like ours that have strategically sited operations to take advantage of development opportunities that will have those opportunities destroyed by the placement of HSR facilities on or around our property.

610-14

IV. Environmental Justice

The project would convert thousands of acres of important farmland (depending on alternative) but the EIR/EIS fails to reveal the number of agricultural jobs and the income that would be lost. The EIR/EIS is seriously lacking in its evaluation of impacts which is required under NEPA.

The EIR/EIS argues that even though property acquisition impacts would be predominantly borne by Environmental Justice (EJ) communities, with mitigation the impacts would not be more severe for these communities than the effects on non-EJ communities. The fact of the matter is that if a project with numerous adverse effects is proposed in an area that contains high concentrations of EJ communities, as does the project area, then that project has a significant EJ effect. The EIR/EIS should admit to such an impact, rather than argue that the impact would not be more severe than the impact on non-EJ communities. Of the 38 census blocks along the alternative alignments, only 5 do not contain EJ populations in high concentrations. The EIR/EIS thus fails to properly analyze the EJ impacts of the project.

* * *

We would be surprised if there is another land owner in Merced or Madera counties with as many acres and diversity of land directly impacted by HSR than the Fagundes Brothers Dairy.

4

Submission 610 (Lloyd, Ralph and Fred Fagundes, Fagundes Brothers Dairy, October 12, 2011) - Continued

610-15

Fagundes Brothers Dairy

While these impacts will cause us great financial hardship, the impacts caused by HSR to our community will be exponentially greater. The economies of Merced and Madera counties depend on productive farmland to create and support thousands of agricultural related jobs. These employees then spend their hard earned paychecks at our local car dealerships, grocery stores and other businesses. Our landowners and business owners must be adequately compensated for the impacts of the project.

We appreciate the effort your staff and consultants have taken to keep us informed but are still extremely disappointed that many of our concerns regarding the route selection, the environmental process, and mitigation have gone unanswered. We look forward to you addressing our concerns in the Final EIR/EIS. Please feel free to contact us at (209) 383-6046 should you have questions regarding any of the above.

Sincerely,



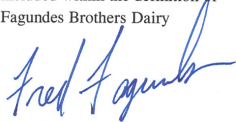
Lloyd Fagundes

Individually as a principal of entities
included within the definition of
Fagundes Brothers Dairy



Ralph Fagundes

Individually as a principal of entities
included within the definition of
Fagundes Brothers Dairy



Fred Fagundes

Individually as a principal of entities
included within the definition of
Fagundes Brothers Dairy

5

Fagundes Brothers Dairy

Cc:

Dan Leavitt

Deputy Executive Director for Environmental Review and Planning

Jeff Abercrombie

Regional Director

6

Response to Submission 610 (Lloyd, Ralph and Fred Fagundes, Fagundes Brothers Dairy, October 12, 2011)

610-1

There is the possibility of reductions in property values in areas that are not near the HST stations, because of the impacts associated with the HST (e.g., noise and visual impacts). Property values may decrease in areas that are farther from the HST stations but close to the HST guideway, particularly residences close to elevated sections of the guideway. For the most part, the Authority real estate assessor would assess whether impacts would undermine the property's current uses and if so, the Authority would determine that the property would be eligible for acquisition. Owners who believe they have suffered a loss of property value as a result of the project may file a claim with the State of California's Government Claims Board. More information may be obtained online at www.vcgcb.ca.gov/claims/.

See also MF-Response-GENERAL-4.

610-2

See MF-Response-AGRICULTURE-2.

610-3

See MF-Response-AGRICULTURE-4.

610-4

See MF-Response-AGRICULTURE-6. The Property acquisition appraisal and valuation process will consider the value of associated permits on the Dairy business and the effect of property acquisition would have on those permits. In addition, the Authority has committed to assisting confined animal facility owners during the process of obtaining new or amended permits – see new text added to EIR/EIS Section 3.14.6.

610-5

See MF-Response-AGRICULTURE-2 and MF-Response-AGRICULTURE-3.

610-6

See MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-6.

610-7

See MF-Response-GENERAL-2 and MF-Response-GENERAL-16.

610-8

See MF-Response-GENERAL-1 and MF-Response-GENERAL-22.

610-9

See MF-Response-GENERAL-10 and MF-Response-GENERAL-15.

610-10

See MF-Response-GENERAL-1 and MF-Response-GENERAL-22.

610-11

See MF-Response-GENERAL-16 and MF-Response-GENERAL-22.

610-12

See MF-Response-GENERAL-2, MF-Response-GENERAL-10, and MF-Response-GENERAL-22.

610-13

See MF-Response-AGRICULTURE-6 and MF-Response-NOISE-1.

The term "Important Farmland" is not a general reference to farmland that is important, specific categories of farmland identified and mapped by the FMMP of the California Department of Conservation (DOC). Although not categorized by California DOC as "Important Farmland," the Authority and FRA recognize that dairies are also important, and the analysis in the EIR/EIS recognizes that their production forms a substantial part of the agricultural economy. Section 3.14.4.3 discusses the number of dairies that would be impacted within each alignment alternative. See also MF-Response-GENERAL-4.

610-14

See MF-Response-GENERAL-4 and MF-Response-SOCIAL-4. In addition, refer to Section 3.12.5.3 and the updated discussion of environmental justice impacts.

Response to Submission 610 (Lloyd, Ralph and Fred Fagundes, Fagundes Brothers Dairy,
October 12, 2011) - Continued

610-15

See MF-Response-GENERAL-4.

Submission 109 (nettie amey, fairmead community & friends, September 16, 2011)

Merced - Fresno - RECORD #109 DETAIL

Status : Action Pending
Record Date : 9/16/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 9/16/2011
Submission Method : Website
First Name : nettie
Last Name : amey
Professional Title : chairperson
Business/Organization : fairmead community & friends
Address :
Apt./Suite No. :
City : madera
State : CA
Zip Code : 93637
Telephone : 559-673-7909
Email : nettieamey@netzero.com
Cell Phone :
Email Subscription : Sacramento - Merced, San Jose - Merced
Add to Mailing List : Yes

EIR/EIS Comment : Yes

109-1

Stakeholder Comments/Issues :
as the chair of our nonprofit group i am asking you to please recognize that the community of fairmead is an historical african american community in the county of madera that has long been overlooked and neglected since 1919. while many of the residents realize that it is inevitable that highspeed rail will be built we are simply asking you to please make certain that the route that you choose be as less evasive on our community as possible. we realize that all concerned with the planning are working hard to accomplish the best route possible in the central san joaquin valley we don't want to be shut in any longer as it is hard enough for the residents of this small rural unincorporated community of color as 90% of our residents are of low or no income and today they must travel 12 miles south or 7 miles north just to purchase the basic needs for their families or to seek medical attention for themselves and their families. please don't take out the galilee missionary baptist church nor it's parking lot as the site where this church is sitting has been used by the residents and the surrounding community since 1943 and even though they originally didn't have a building to worship in the worshiped on those grounds under the trees throughout the week and after they saved enough money to build a building for worship. but nevertheless the real estate that is currently occupied by this facility is one of the oldest and last remaining buildings in the community that has a historical background with a lot of rich history good and bad. before closing i just want to ask you if you realized that this community was known as a sundown town??? even though the written documents in the madera county historical archives state that fairmead died out because highway 99 moved further to the west side that is not the complete truth as my great grandmother informed when i was a child... additionally fairmead blvd is old highway 99. please don't harm our community and choose another route as it is easier to replace vineyards and orchards but it is not possible for these families to replace lives lost because emergency vehicles can't reach them in time because of modern forms of transportation blocking their way either in or out of our community.

Response to Submission 109 (nettie amey, fairmead community & friends, September 16, 2011)


109-1

See MF-Response-GENERAL-10 and MF-Response-GENERAL-5. Regarding the Galilee Missionary Baptist Church, the church would not be displaced under any alternative. However, a portion of the church parking would be impacted. The adjacent vacant land would be used to provide replacement parking for the church. Refer to Section 3.12 of the EIR/EIS regarding this issue.

Regarding emergency access, the HST track would be elevated adjacent to the community of Fairmead. The roadway infrastructure currently used for emergency access to the community would remain in place, and emergency access would not be affected. Environmental Justice impacts are discussed in Section 3.12 of the EIR/EIS.

Submission 746 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

Comment Period Extended: **RECEIVED** 10-11-11P02:26 RCVD
October 13, 2011 **RECEIVED** 10-11-11P02:26 RCVD
período a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

 **CALIFORNIA High-Speed Rail Authority** **Comment Card**
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section *Tren de Alta Velocidad Sección Merced a Fresno*
Draft Environmental Impact Report/ *Anteproyecto del Informe de Impacto*
Environmental Impact Statement (EIR/EIS) - *Medioambiental/Declaración de Impacto*
Public Hearings *Medioambiental (EIR/EIS) - Audiencias Públicas*
September 2011 *Septiembre 2011*

Please submit your completed comment card at the end of the meeting, or mail to: *Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:*

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. *El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.*

Name/
Nombre: Kole Upton Organization/
Organización: Findley Upton Family Trust

(Optional/Opcional)
Address/Domicilio: P.O. Box 575 Phone Number/
Número de teléfono: (209) 769-6062

City, State, Zip code/
Ciudad, estado, código postal: Chowchilla, CA, 93610 Email address/
Correo electrónico: kupton@inreach.com

Comment KU-1

746-1

Section 2.4.2.2., Page 2-43, concerning the Hybrid Alternative and specifically the West Chowchilla bypass Option.

Quoting, "The West Chowchilla Bypass Option would travel due south from Sandy Mush north of Chowchilla, following the west side of Road 11 3/4"

The document does not accurately represent the situation. There is no Road 11 3/4 going north from Sandy Mush. In fact, there is no such road in Merced County. Numbered road do not appear until Madera County several miles to the south along the proposed route.

In Merced County, there is no road, no transportation corridor of any kind where the HSR is proposing a route.

Further, during the Technical Committee meetings, every public agency with jurisdiction in the area of the West Chowchilla Bypass Option spoke against it.

How can anyone examine and/or comment on a proposal when the information is so inaccurate?

Response to Submission 746 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

746-1



The text in Section 2.4.2 UPRR/SR 99 Alternative and Section 2.4.4 Hybrid Alternative (Preferred Alternative), has been revised to state "The West Chowchilla design option would travel due south from Sandy Mush Road, between County Road 11 and County Road 13 (where the HST would decrease to a design speed of 150 mph)."

See also MF-Response-GENERAL-2.

Submission 747 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

Comment Period Extended to: October 13, 2011
El periodo a hacer comentarios está prolongado hasta del 13 de octubre de 2011

10-11-11P02:26 RCV

 CALIFORNIA High-Speed Rail Authority  Comment Card
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Merced to Fresno High-Speed Train Section
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September 2011

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Septiembre 2011

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Name/
Nombre: Kole Upton

Organization/
Organización: Findley Upton Family Trust

(Optional/Opcional)
Address/Domicilio: P.O. Box 575

Phone Number/
Número de teléfono: (209) 769-6062

City, State, Zip code/
Ciudad, estado, código postal: Chowchilla, CA. 93610

Email address/
Correo electrónico: kupton@inreach.com

747-1

Comment KU-2

Reference Volume III, Section K, Roadway and Grade Separation Hybrid Alternative with Ave. 24 Wye, August 2011, Drawing #CB5205B:

The document proposes realigning Cross Road and constructing an overpass. Unfortunately, Cross Road ends at the point of the proposed overpass. There is no county easement or right of way beyond that point?

Again, the document displays a lack of accurate information of the existing infrastructure, easements and right of ways making it difficult to comment intelligently on the project.

The public should not be expected to redesign the project in order to comment on it.

Response to Submission 747 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

747-1

If the applicable alternative is selected we will investigate the need for a roadway crossing of the HST tracks during 30% design effort. The exact easements and right of way will be determined at a later time during the project development and refinements will be forthcoming as the project segments are phased. If the selected alternative is chosen we will work with affected stakeholders to mitigate disruption of local streets and provide motor vehicle access. Obviously, if the road does not extend beyond the HST right of way, then no overcrossing will be necessary.

Submission 750 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

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High-Speed Rail Authority

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Name/
Nombre: Kole Upton

Organization/
Organización: Findley Upton Family Trust

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City, State, Zip code/
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Chowchilla, CA. 93610

Email address/
Correo electrónico: kupton@inreach.com

Comment KU-4

750-1

The Biological Resources and Wetlands Technical Report, Merced to Fresno Section EIR/EIS Section, August 2011 fails to identify an important habitat area. Further, it incorrectly identifies the area as rural residential. (Hybrid Alternative Section 2.2.3, Page 4-8, Figure 4-5.)

This 14 acre parcel 1/8 of a mile to the south of Cross Road in Merced County is unique to the area. According to a recent (9/9/2011) environmental assessment of the site by Wiemeyer Ecological Science of Santa Rosa, California, "The Site provides and 'island' of refuge for local wildlife as the Site is surrounded by agricultural development."

It was set aside over 50 years ago and was planted with all kinds of trees such as eucalyptus that provide habitat for many species especially flying predators such as hawks. In fact, the San Joaquin Valley Raptor Center frequently releases predators that have nursed back to health after injuries.

The planned route of the West Chowchilla Bypass Option of the Hybrid will bisect and destroy this irreplaceable habitat.

Response to Submission 750 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

750-1

See MF-Response-BIO-2.

Effects to raptors and their suitable habitat within the Merced to Fresno HST Section construction footprint will be mitigated through specific mitigation measures as well as a Mitigation Strategic Implementation Plan (MSIP). Raptor abundance and diversity will be evaluated through Bio-MM#29: Conduct Pre-Construction Surveys and Monitoring for Raptors. Further surveys will be conducted to evaluate whether the State listed Swainson's hawk is utilizing an area (Bio-MM#32). Monitoring and avoidance will be conducted for nesting raptors (Bio-MM#29,33,34). Removal of raptor foraging and/or breeding habitat will be addressed through Bio-MM#60: Offsite Habitat Restoration, Enhancement and Preservation. Species specific mitigation for Swainson's hawk will be implemented for the loss of foraging habitat (Bio-MM#54).

Per the previous mitigation measures, impacts to the Eucalyptus grove within the 14 acre parcel will be conducted outside of the breeding season of local raptor species. Effects to nesting trees within the parcel and throughout the Merced to Fresno HST Section construction footprint will be mitigated through a Mitigation Strategic Implementation Plan (MSIP).

Submission 752 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

RECEIVED
10-11-11P02:26 RCVD

CALIFORNIA High-Speed Rail Authority

Comment Card
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Merced to Fresno High-Speed Train Section
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Comment KU-6

752-1

In the Draft EIR/EIS, 1.0 Project Purpose, Need, and Objectives, part 1.2.3 CEQA Project Objectives for the HST System in California and in the Central Part of the San Joaquin Valley, page 1-4, one of the Objectives listed is, "Maximize the use of existing transportation corridors and rights of way, to the extent feasible."

The West Chowchilla Bypass Option (WCBO) is clearly at odds with that objective. From the surprise announcement of the WCBO in July of 2010, it has been opposed by every affected public agency with jurisdiction, and by virtually all of the affected landowners and citizens.

The route especially in Merced County follows no transportation corridor of any kind, and ignores and incorrectly identifies rights of way.

To the credit of some of the CHSRA staff (Jeff Abercrombie) and consultants from AECOM (Dick Wenzel) and Parsons (Dave Mansen), we have been able put a route under consideration that does maximize existing transportation corridors, specifically Highway 99 & 152. That route will be studied in the Draft EIR/EIS for the Merced to San Jose section.

The West Chowchilla Bypass Option of the Hybrid should be eliminated from any further consideration

Response to Submission 752 (Kole Upton, Findley Upton Family Trust, October 11, 2011)


752-1

See MF-Response-GENERAL-2. Due to influencing factors from the adjacent HST section to the west, the identification of the preferred wye option, and therefore the West Chowchilla design option, will be further analyzed as part of the environmental evaluation for the San Jose to Merced Section. For more information regarding the decision on the Wye, please see MF-Response-GENERAL-16 and Section 2.3.2 of the EIR/EIS.

Submission 753 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

Comment Period Extended to
October 13, 2011

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está prolongado hasta del
13 de octubre de 2011

 CALIFORNIA High-Speed Rail Authority

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page -2-

There is no mention that the landowner there has already been approached and committed to selling the same land for an interchange built by CalTrans at Sandy Mush and 99. Although there may have been opportunities for coordination, they have either not occurred or not been effective.

This is another reason to eliminate the West Chowchilla Bypass Option form further consideration.

Comment KU-7

753-1

In many cases, the various documents as part of the Draft EIR/EIS are not consistent with one another. This makes it difficult to comment on the project.

For instance, in the 1.0 Project, Purpose, Need, and Objectives, Part 1.4 Relationships to Other Transportation Projects and Plans in the Study Area, page 1-23, it states, "Many of the projects in the Route 99 Corridor Business Plan address potential improvements along SR 99 in Merced, Madera, and Fresno counties. These projects provide coordination opportunities for the Fresno to Merced HST Project."

Yet, in Volume III, Section A – Alignment Plans UPRR/SR99 Alternative with Ave 24 Wye, Drawing T0105A, sheet 5 of 6, it shows the proposed route for the West Chowchilla Bypass Option hooking up to Highway 99 at Sandy Mush Road.

(turn over to continue)

Response to Submission 753 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

753-1

The project design considers the new Caltrans proposed improvements at SR 99 and Sandy Mush Road. When the wye alternative is selected, as part of a future environmental document and after further analysis as described in MF-Response-GENERAL-15 CHSRA, Caltrans, and Merced County will develop/revise agreements as needed to coordinate on the design and construction of the roadway improvements at this location.

The roadway plans on file and used for this EIR/EIS indicate compatibility with the future interchange at Sandy Mush (Plainsburg interchange). This interchange is planned by Caltrans and the future interchange is shown on HST design files for all alternatives in Volume III of the EIR/EIS.

Submission 754 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

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Comment KU-8

754-1

The Preface states regarding the Identification of Preferred Alternative, "The board will not make a final decision on the project alternative to be implemented until after the Final Project EIR/EIS is issued." However, under the Merced to Fresno HST Milestone Schedule, it states Property acquisition begins December 2012. Do they know ahead of time what the board will determine to be the Preferred Alternative?

Response to Submission 754 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

754-1

The comment appears to misread the milestone schedule provided in the Preface to the Draft EIR/EIS. The Preface indicates that a Final EIR/EIS will be released in early 2012 and that it will include identification of a preferred alternative, but that final decisions under CEQA and NEPA will be made following the release of the Final EIR/EIS. The Preface also indicates that land acquisition will take place only after final decisions are made.

Submission 755 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

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Comment KU-9

755-1

Regarding Appendix 2A, Proposed Roadway Activities Along HST Alternatives.

It refers to a 'LaBranza' Road near or on our property. Further, it indicates subject road will be shifted. We are not aware of such a road. The only Merced county roads are Vista Ave. and Cross Road.

Again, it is difficult to comment when one cannot determine what is being proposed.

Response to Submission 755 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

755-1

La Branza Road exists and is located parallel to and approximately 0.5 mile west of County Road 13 (Vista Ave).

Submission 756 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

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Comment KU-10

756-1

Regarding section 3.8, Hydrology and Water Resources, page 3.8-21,
"Dutchman Creek borders the north side of Harris-DeJager HMF site..."
That is NOT true. Dutchman Creek is several miles to the north. Has
that error been consistent throughout the EIR? If so, it calls in to question
the analysis done concerning the West Chowchilla Bypass Option.


Response to Submission 756 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

756-1

EIR/EIS Figure 3.8-3 shows Dutchman Creek crossing the track connecting the main UPRR alignment to the Harris-DeJager HMF site, just to the north of that site. Greater detail can be found in Figure 4-3b and 5-1e of the Hydraulics and Floodplain Technical Report. This is consistent with published information (e.g., USGS quadrangles) which can be reasonably be relied on for the EIR/EIS, and the Authority believes that both the EIR/EIS and Technical Report are correct.

Submission 757 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

13 de octubre de 2011

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Comment KU-11

757-1

Regarding section 7.0, Public and Agency Involvement, page 7-4, the 5th paragraph down, "The alternatives analysis process continued after the April 8, 2010 Authority Board of Directors meeting, with additional public and agency input, including TWG meetings, public information meetings, and individual meetings with local agencies and individuals."

Supposedly, this led to the West Chowchilla Bypass Option (WCBO) being considered. However, I personally attended the TWG meeting in Merced on June 17, 2010. At that meeting, I specifically asked if any agency was in favor of a route west of Chowchilla. The answer was unanimous, "NO!"

Nevertheless, in July, CHSRA announced the WCBO.

There has been no agency with any jurisdiction in the affected area in favor of the WCBO. Also, virtually every landowner and affected citizen is opposed.

Remarkably, this Draft EIR seeks to justify this abomination by implying its selection was a result of significant outreach and input.


If CHSRA is serious about receiving public input and conducting this Draft EIR/EIS comment period with the integrity that is imperative in our democracy, the West Chowchilla Bypass Option should be eliminated!

Response to Submission 757 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

757-1

The FRA and Authority have worked to obtain input through many different venues and meetings, the TWG meetings being one of those. This has resulted in several improvements, avoidance and minimizations of the project and this collaboration will continue to be an asset during final design. While the West Chowchilla Design Option (WCDO) did not receive unanimous support at the June 17, 2010 TWG, the WCDO offers substantial advantages, such as the reduction of 11 miles of HST track, avoids the concerns expressed by the City of Chowchilla of the HST located near or adjacent to their community center and was determined to be a reasonable alternative for evaluation during the alternatives analysis process. This option takes advantage of trackway that was already under evaluation as part of the Ave24 Wye. With minor adjustments, the design option was called out in the EIR/EIS for evaluation to minimize total project impacts.

Submission 758 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

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Comment KU-12

758-1

Regarding the 2.0 Alternatives section, 2.4.6 Proposed Heavy Maintenance Facility Locations, page 2-82, it states that for the Harris-DeJager HMF proposal, "Joint Powers Authority to provide financing for site and offsite improvements."

What Joint Powers Authority? In California, such an entity would involve public agencies. Yet, no public agency with jurisdiction involving this property has been involved. I was contacted by Mr. DeJager the day before the offer was submitted to the CHSRA.

As a good neighbor, he was concerned that the proposal included part of my property. The agency submitting the proposal was apparently the City of Chowchilla, who not only does not have jurisdiction in this area, but is not even in the same county. Upon learning of my opposition, they deleted my property, but the plans still included the necessary surrounding infrastructure such as new county access roads to be put on my property.

My concern is the integrity of this process. Now that Mr. DeJager has withdrawn his land from the proposal, perhaps, it is time to stop spending public money studying it. Further, how many of the other HMF proposals are being considered by CHSRA without any thought or concern for the neighboring landowners or residents?

Response to Submission 758 (Kole Upton, Findley Upton Family Trust, October 11, 2011)


758-1

All property owners which may be affected by the HST project and any portion thereof have been notified as part of the release of the Draft EIS. Many of the properties offered in response to the HMF request for solicitation did not include land configured adequate for the entire HMF and therefore in many cases adjacent lands would be affected if these sites were selected. Any affected properties would be acquired under the Uniform Relocation and Real Property Acquisition Act. This process is detailed under Section 3.12 of the EIR/EIS.

The DeJager HMF site referenced in the comment has been removed from consideration as a potential HMF at the request of the landowner and that fact has been noted in the Final EIR/EIS.

Submission 759 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

October 13, 2011
13 de octubre de 2011

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Comments KU-13

These comments will refer to Volume III, Section E Alignment Plans, Hybrid Alternative with Ave. 24 Wye, Drawings T0102-A, T2386-A, T2387-A, T2366-A, T2367-A, and pages 5, 85, 86, 95, & 96

These comments will be divided in to a series of comments concerning the impacts on the West Chowchilla Design Option (WCDO) on our property.

Comment KU-13A – General

These comments will be moot if the CHSRA and the FRA eliminate the WCDO as a result of this Draft EIR/EIS process. That would be the logical and honest decision. The WCDO was inflicted on us affected by a flawed process, and has continued to be studied despite the almost unanimous opposition of every affected landowner, citizen, and public agency with jurisdiction over the route.

(turn over to continue)

page -2-

This is NOT a NIMBY (not in my back yard) response. We also farm along Highway 99, and you will NOT receive any comments concerning that proposed route. The reason being it is an EXISTING CORRIDOR. We are used to farming under those conditions, and the High Speed Rail would not pose any insurmountable problems.

Therefore, we think it wise and prudent to follow the law, and the commitment made by the proponents of High Speed Rail to use existing corridors and minimize impacts for farm land. I am part of a group (Preserve Our Heritage) that has been working cooperatively with CHSRA staff and consultants to develop a route satisfactory to a vast majority of local residents and agencies that uses existing corridors. I recommend elimination of the WCDO so we can focus our efforts on a positive outcome of this process.

corridors and minimum impact to farm land and then ruin farmers' lives and property in order to save money borders on criminal misconduct.

2. The WCDO route traverses several environmentally sensitive areas. One is the 14 acre environmental retreat in which the San Joaquin Valley Raptor Center releases injured predators such as hawks. This route goes right thru the middle of that destroying it. It has not been farmed in over 50 years and is unique in the area.

Further north, the route destroys a habitat that has been used by migrating Canadian geese for decades. How is a slow moving goose going to get out of the way of a 220 MPH train?

3. The route will adversely affect the lifestyle of the residents in the area with the train noise, road closures, and general disruption of having a major transportation corridor inserted in to a rural environment.

4. The route takes out several deep wells, canal pumps, sump pumps, and associated infrastructure. The lead time to replace pumps and the associated P.G. & E. equipment is measured in months not weeks or days. Further, crops cannot afford to be out of water for long periods. Since all the farmers along the WCDO will have the same problems, there is no way P.G. & E. and the pump companies can take care of everyone timely. Again, there is a reason this HSR project is supposed to go on existing corridors.

Submission 759 (Kole Upton, Findley Upton Family Trust, October 11, 2011) - Continued

page 3

759-5

5. By cutting diagonally thru the property, the route renders many parcels no longer farmable. This wanton and deliberate destruction of farm land will be devastating to the individual farmers, but also a loss to the nation if this policy is carried out throughout the San Joaquin Valley.

6. Pollination and bees. Since we have almonds, we need to use bees for pollination. Even though the WCDO route cuts thru or is adjacent to all our almonds, we still hope to be able farm part of some of fields. You can expect the 220 MPH train to be covered with bee remains during pollination season if it is decided not to use existing corridors and use routes like the WCDO.

7. Attached is a CHSRA document stating that the indirect biological impact of the train will be "...0.25 mile in rural areas on each side of the alignment."

At a recent hearing, a CHSRA official stated that this document was in error and that one could stand 20 feet from the train virtually not be affected. Given that some folks were recently sucked under a train in Germany, I am not going to test his claim.

Bottom line, the local Ag Commissioners are going to need more proof before allowing farmers to spray their fields if CHSRA and FRA decide to go thru farm land instead of using existing corridors.

Comment KU - 13D - Conclusion

Many of us have spent countless hours and thousands of dollars involved in this process. We stand to gain nothing from it except the right of continuing to live our lives as we wish. We have participated in your open houses, technical working group meetings, and we expect these route decisions to be based on integrity and principle.

Should the decision of CHSRA and FRA be to ignore the precepts of using existing corridors and minimum impact to farm land, and try to force this down our throat, some of us have no choice but to defend ourselves to our last dollar.

The better solution would be to abandon the WCDO and continue to work with us in a cooperative manner to achieve a project with which we can all support.

Submission 759 (Kole Upton, Findley Upton Family Trust, October 11, 2011) - Continued

<http://www.calhighspeedrail.ca.gov/faq/route.htm>

the Authority's objective has been to maximize the use of existing transportation corridors and rights-of-way for the high-speed train system. Consistent with this objective, extensive portions of the alignment alternatives were described and analyzed as if they were placed within or adjacent to existing rail or highway rights-of-way, rather than on new alignment. Evaluations for the Statewide High-Speed Train system Program EIR/EIS and for the Bay Area to Central Valley High-Speed Train Final Program EIR/EIS have consistently shown a potential for fewer significant environmental impacts along existing transportation facilities than on new alignments through both developed and undeveloped areas.

Figures from the Final Program EIR/EIS documents depict typical cross sections for high-speed train facilities at grade, on an elevated structure, and where twin tunnels might be necessary. These figures show maximum proposed rights-of-way of 100 feet, 50 feet, or 120 feet for these facilities, respectively. At the programmatic level, this EIR has analyzed the impacts of constructing and operating the high-speed train system along the proposed alignment alternatives conservatively, by evaluating direct and indirect impacts within a wide band that exceeds the maximum proposed high-speed train right-of-way, whether in an existing transportation right-of-way or adjacent to it.

For example, for biological impacts, the EIR defines the study area for direct biological impacts as 50 feet on either side of the alignment, and for indirect impacts as 1,000 feet in urban areas and 0.25 mile in rural areas on each side of the alignment. At the project level, when detailed field conditions, resource data, and site-specific facility design information become available, certain impacts disclosed in the Program EIR are expected to be far less in those circumstances when the actual final footprint of high-speed train track can be located within existing rights-of-way, rather than adjacent to them.

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Impact
1/4 each side
1/2 total
3000 Acres

1/4 mile 280 ft
3AC
6.2
50
3000

ATTN: Hine

7 of 7

11/28/2009 1:19 PM

Response to Submission 759 (Kole Upton, Findley Upton Family Trust, October 11, 2011)

759-1

See MF-Response-GENERAL-2 for a discussion of the selection of alternatives. The Hybrid Alternative has been identified as the "preferred alternative" in the Final EIR/EIS. The Hybrid Alternative includes two options in the vicinity of Chowchilla: the West Chowchilla option and Ave 24 Wye referenced in the comment and the East Chowchilla design option and Ave 21 Wye. Each option is based on a different Wye configuration for the line running from San Jose to Merced. In other words, the design option that will be selected is dependent upon selection of the Wye. The Wye will be selected in conjunction with the San Jose to Merced section approval. See MF-Response-GENERAL-16 regarding the timing of the Wye selection.

759-2

See MF-Response-BIO-2 and MF-Response-BIO-3 regarding wildlife habitat and movement corridors, and mitigation of impacts to wildlife and habitat.

Effects to wildlife habitat within the Merced to Fresno HST Section construction footprint will be mitigated through a Mitigation Strategic Implementation Plan (MSIP).

Potential collisions between migratory birds such as Canadian Geese and the High Speed Rail will be minimized through the implementation of physical and spatial barriers along the HST Merced to Fresno Section as specified during consultation with regulatory agencies. Physical barriers include security fencing and other devices (mesh netting, wires etc.) that will place a division between the HST corridor and the surrounding landscape. Spatial barriers are planning tools identified during preconstruction surveys that that will minimize wildlife interactions through land use planning, shifts in activities, and mitigation. The integration of physical and spatial barriers within the Merced to Fresno HST Section during the design build phase will minimize impacts to migrating wildlife species within the landscape.

759-3

MF-Response-GENERAL-5, MF-Response-SOCIAL-4, and MF-Response-TRAFFIC-2.

759-4

See MF-Response-AGRICULTURE-4 and MF-Response-WATER-1.

759-5

See MF-Response-AGRICULTURE-2 and MF-Response-AGRICULTURE-5.

The comment misconstrues the study area for the area actually affected by train. The study area is larger than the actual area expected to be affected in order that indirect effects can be more effectively identified. The train will not generate excessive wind (see Appendix 3.3-A of the Final EIR/EIS), nor will it create suction. The comment's claim that "some folks were recently sucked under a train in Germany" is not substantiated.

Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC,
October 13, 2011)



Fresno Chaffee Zoo • 894 West Belmont Avenue • Fresno, California 93728
Phone (559) 498-5910 • Fax (559) 264-9226

October 13, 2011

Via Email: Merced_Fresno@hsr.ca.gov and Certified Mail

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

**Re: Comments on Draft EIR/EIS
California High Speed Rail: Merced to Fresno**

To whom it may concern:

I am the Executive Director of the Fresno Chaffee Zoo (the "Zoo"), and am writing to provide comments on behalf of the Zoo concerning the California High-Speed Rail Project: Merced to Fresno (the "HSR Project").

The Zoo has been in operation since at least 1929 and has been accredited by the Association of Zoos and Aquariums since June 1979. The Zoo houses approximately 125 animal species, 18 of which are part of the Species Survival Plan program created by the Association of Zoos and Aquariums for the purpose of protecting some of the planet's rarest animals. The Zoo is presently situated on approximately 18-acres located in the southern portion of Roeding Park in the City of Fresno.

On June 30, 2011, the City of Fresno approved the Fresno Chaffee Zoo Facility Master Plan, and the Roeding Park Facility Master Plan (collectively the "Master Plans Project"), and certified the environmental impact report prepared in connection therewith. For your reference, I have enclosed copies of the approved plans.

Under the approved Master Plans Project, the Zoo will expand from 18 acres to 39 acres. The 39 acres would include exhibits (including habitat) (20 acres), landscaping/open space (10 acres), multiple purpose paths (5 acres), buildings (3 acres), non public access roads (1 acre). The Fresno Zoo would gain 3 of the 21 additional acres from the PARCS Maintenance Facility, which is presently located adjacent to the northwest boundary of the Chaffee Zoo. The remaining 18 acres will result from the Zoo's expansion into an area located in the southeast corner of Roeding Park (the "Expansion Area"). The Expansion Area is presently developed for park use and provides recreational opportunities for the public. The Expansion Area currently includes several groves of trees, roadways, parking spaces, paved walking paths, grasslands, a picnic grove, a horseshoe pit, and water features.



711-1

The Draft EIR/EIS for the HSR Project should be updated to include analysis of the following issues:

Potential Impacts Associated With Removal of Golden State Boulevard. Under the Master Plans Project, the City anticipates closing the existing Belmont Road entrance into Roeding Park, and constructing a new entrance along Golden State Boulevard. The Zoo, however, understands that the HSR Project contemplates removing Golden State Boulevard in the vicinity of Roeding Park, which could have an impact on the proposed Golden State Boulevard entrance, and resources within Roeding Park. As a result of the above, the Joint EIR/EIS should be revised to address the following:

- The removal of the Golden State entrance to Roeding Park would remove one of two points of ingress and egress into Roeding Park, and would have the potential to change circulation patterns within Roeding Park. The modification of the points of ingress and egress, and internal roadways, in turn, could have an impact on the historic and cultural resources within Roeding Park. These potential impacts are not recognized in the Draft EIR/EIS. To the extent the Golden State entrance is removed, and the internal roadways need to be re-designed, the CHSRA should work with the City of Fresno and the Zoo to develop adequate mitigation prior to the certification of the EIR/EIS that would fund the re-design (and environmental review, if any) associated with the impacts of the HSR Project on Roeding Park entrances, and the circulation network within Roeding Park.

- As explained above, the removal of the Golden State Boulevard entrance into Roeding Park would require the design and installation of a new, second entrance into Roeding Park, which has the potential to alter traffic patterns within the vicinity of Roeding Park. To the extent the Golden State entrance is removed, the CHSRA should work with the City of Fresno and the Zoo to (1) update the traffic analysis in the Draft EIR/EIS to evaluate whether the relocated second entrance into Roeding Park would result in any significant transportation-related impacts; (2) fund the design and replacement of the second entrance into Roeding Park; (3) compensate the Zoo and/or the City for all increased transportation-related costs (including design, development, and construction) associated with changes to the approved Master Plans Project that are needed to accommodate the HSR Project; and (4) compensate the Zoo (and/or the City) for entitlement fees and environmental review (if necessary).

- To avoid significant impacts as to cultural and historical resources, the EIR certified for the Master Plans Project contemplates a mitigation measure requiring the replacement of four pond structures from their current location at the southeastern edge of Roeding Park to a new location "near the Golden State Boulevard entry to the park, such that the pond feature is at least visible and as accessible as it is in its current location." (See Mitigation Measure 4.1(a).) The new pond features must be developed "in the context of the contributing architectural and landscape features of the potential historic district." (See *id.*; see also Page & Turnbull (January 19, 2011) *Roeding Park Historic District: Response to DEIR Comments*; Page & Turnbull (November 3, 2009) *CEQA Evaluation*.) To ensure the closure of Golden State Boulevard, and the removal of the Golden State Boulevard entrance to Roeding Park, does not have a significant impact on contributing historical resources within Roeding Park, the EIR/EIS should evaluate and mitigate any impacts of the HSR Project on the approved replacement of the ponds.

Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC,
October 13, 2011) - Continued

711-1

Aesthetic Impacts. The Zoo recognizes the need to construct a ten to fourteen foot high sound barrier wall along the east side of Roeding Park (along what is now Golden State Boulevard) to mitigate the noise impacts of the HSR Project. The visual impact of the sound wall, however, could negatively impact the aesthetic resources of Roeding Park, as well as those within the Zoo. As such, a mitigation measure should be incorporated that minimizes the visual impact of the sound wall through landscaping and architectural treatment.

Noise Impacts. Mitigation Measure PK-MM#4 provides that the Authority will work with the City of Fresno as the park owner to mitigate noise impacts in the vicinity of Roeding Park. The Zoo supports the construction of a sound barrier along the east side of Roeding Park to help mitigate the noise-related impacts of the HSR Project, so long as the sound barrier wall is designed in a way to avoid or minimize aesthetic and cultural resources impacts. In addition, as the operator of the Zoo, the Fresno Chaffee Zoo Corporation should be included in discussions regarding the mitigation of noise impacts, as such impacts have the potential of affecting the Zoo. In addition, any noise mitigation designed to minimize the noise impacts on Roeding Park (and the Zoo) should be selected, designed, and adopted as mitigation *before* the certification of the EIR/EIS for the HSR Project, so as to avoid deferring analysis and mitigation of potential impacts.

Vibration Impacts. The Zoo has not been able to locate any analysis in the EIR/EIS concerning impacts associated with the sub-grade operation of the HSR Project adjacent to Roeding Park and the Zoo. The EIR/EIS should be updated to include further analysis of the vibration-related impacts to Roeding Park and the Zoo.

If you have any questions regarding the above, please do not hesitate to contact me.

Respectfully submitted,



Scott Barton

cc: Kevin Fabino, City of Fresno

Enclosures:

Exhibit "A": Fresno Chaffee Zoo Facility Master Plan (July 2009)

Exhibit "B": Roeding Park Facility Master Plan (July 2009)

Exhibit "C": Page & Turnbull (January 19, 2011) *Roeding Park Historic District: Response to DEIR Comments*

Exhibit "D": Page & Turnbull (November 3, 2009) *CEQA Evaluation & Historic Resources Assessment*

Response to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011)

711-1

See MF-Response-VISUAL-2 and MF-Response-VISUAL-3.

There are no direct impacts to Roeding Park as no park features will be directly impacted or relocated.

Any indirect impacts on parks identified in Section 3.15.5 (Parks, Recreation, and Open Space) would be addressed by the mitigation measures identified in Section 3.15.6. During the final design process, the Authority would coordinate closely with the City of Fresno and the Chaffee Zoo to establish and provide additional detail for the mitigation measures (i.e., surface treatment of columns to minimize aesthetic effects) for temporary and permanent park impacts. See EIR/EIS Section 3.16.6 (Aesthetics and Visual Resources) for additional information on mitigation measures that could apply to parks.

As noted in EIR/EIS Section 3.15.5.3, the proposed projects described in the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans in June 2011 (City of Fresno 2011) would not conflict with the adjacent HST project, except for the new park boulevard entrance and exit at Golden State Boulevard. The other proposed projects within the park could proceed as designed. The HST Project would not affect either the existing or planned pond locations in the park.

Regarding Golden State Boulevard, the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans identifies a new boulevard through the middle of the park connecting with a new entrance and exit on Golden State Boulevard. However, Golden State Boulevard would be closed under the HST project (i.e., the project would require the closure of Golden State Boulevard east of Roeding Park, precluding a direct connection). The Authority has reached an agreement with the City of Fresno wherein a new access to the park from Belmont Avenue would be created as an alternative access due to the planned loss of access from Golden State Blvd.

With respect to the sound barrier, the visual mitigation of the HST components, can incorporate art, colors, transparency, textures, and vegetation consistent with the existing landscape within the community. Such mitigation measures serve to screen or blend-in the HST component. See mitigation measure PK-MM # 5.

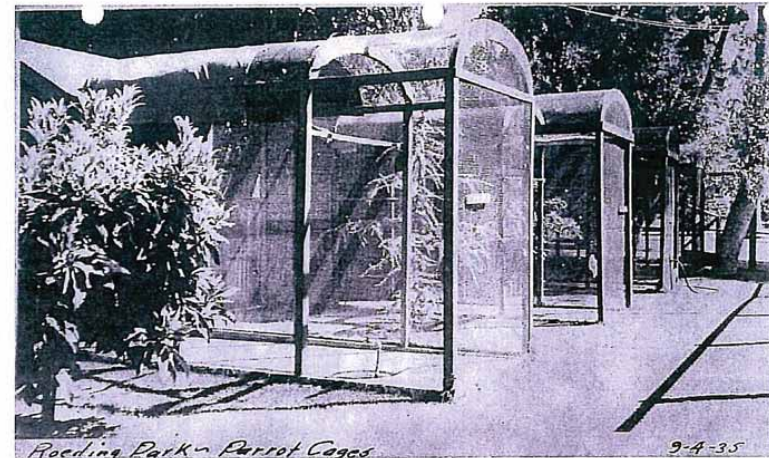
711-1

With regard to potential Noise impacts to Zoo animals, The FRA addresses impacts on wildlife (all mammals and birds) and domestic animals).

The FRA High Speed Ground Transportation Noise and Vibration Impact Assessment Manual (2005) considers a Sound Exposure Level (SEL) (the total A-weighted sound experienced by a receiver during a noise event, normalized to a 1-second interval) of 100 dBA the most appropriate threshold for disturbance effects, such as startling, on wildlife and livestock of all types. The criteria adopted by FRA to determine animal impacts are based on the limited research that exists for noise effects on animals. The 100 dBA SEL criterion is the threshold value used for all animal impacts.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf

State of California & The Resources Agency	Primary#	
DEPARTMENT OF PARKS AND RECREATION	HRI #	
CONTINUATION SHEET	Trinomial	
Page 52 of 68	*Resource Name or # (Assigned by recorder)	Roeding Park Historic District
*Recorded by: Gretchen A. Hilyard, Page & Turnbull	*Date July 31, 2009	<input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Update



Source: Fresno Chaffee Zoo Archive, Jean Chaffee Files

Early parrot cages at Roeding Park Zoo, 1935.

Fresno Chaffee Zoo

Comments on Draft EIR/EIS California High Speed Rail: Merced to Fresno

Exhibit "D" Part 2 of 2

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

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Source: Fresno Historical Society.

View of Roeding Park and roadway, 1940s.

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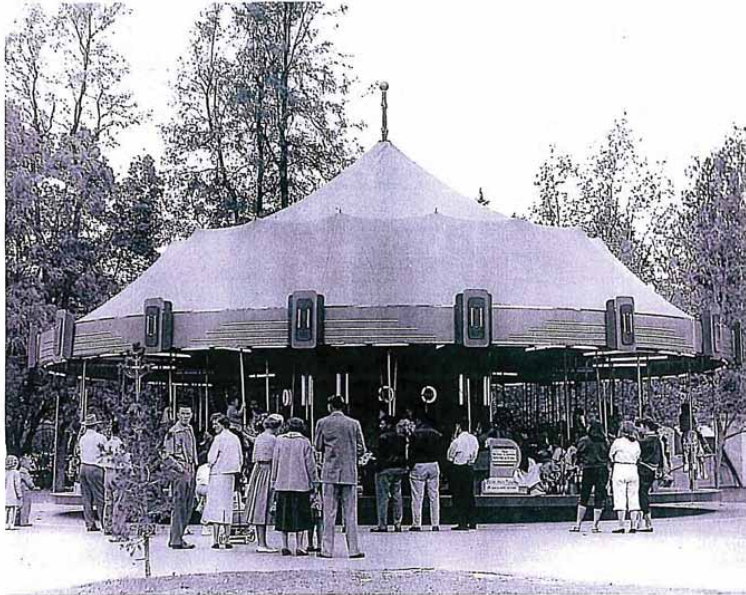


Source: Playland Archives.

Playland, Midge-o-Racer and Carousel, circa 1955.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

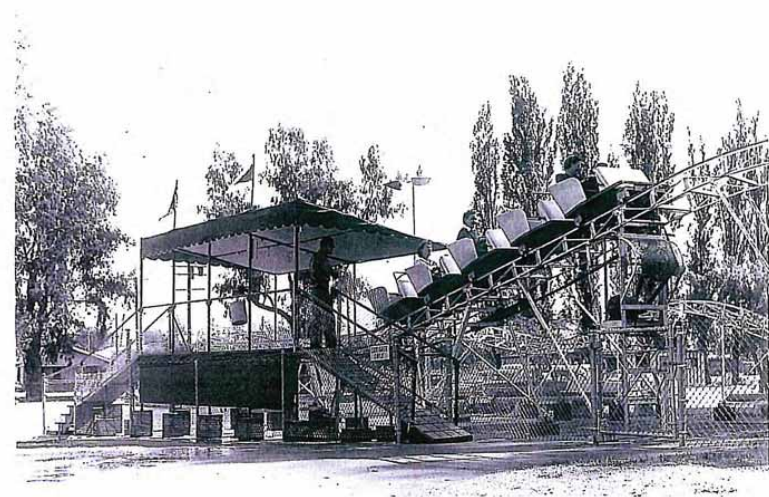
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Source: Playland Archives.

Playland, Carousel, circa 1955.

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Source: Playland Archives.

Playland, Roller Coaster, circa 1955.

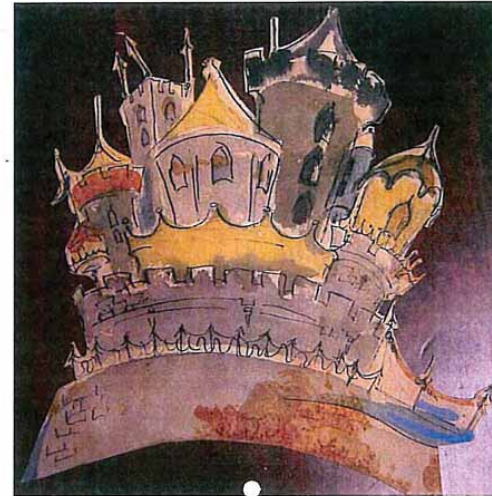
Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
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Source: Playland Archives.
Playland, Train, circa 1955.

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Source: Rotary Storyland Playland Archives.
Conceptual water color for King Arthur's Castle, Storyland, c. 1962.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

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Source: Rotary Storyland Playland Archives.

King Arthur's Castle, Storyland, c. 1962.

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Source: Rotary Storyland Playland Archives.

Restrooms and Gingerbread Man bridge, Storyland, c. 1962.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

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Source: Fresno Chaffee Zoo Archive, Jean Chaffee Files

Roeding Park Zoo entrance, c. 1964.

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Source: Fresno Historical Society.

Aerial view of Roeding Park, looking west, 1967.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

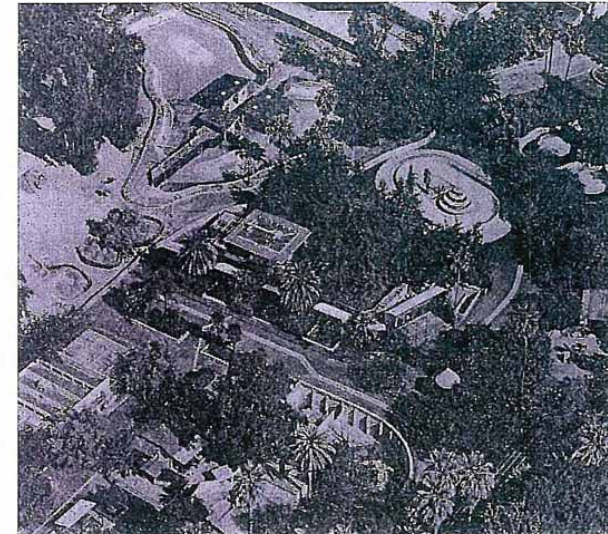
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Source: Fresno Historical Society

Construction of the Bison and Elk enclosure in Roeding Park Zoo, 1967.

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Source: Fresno Bee

Roeding Park Zoo, c. 1976.

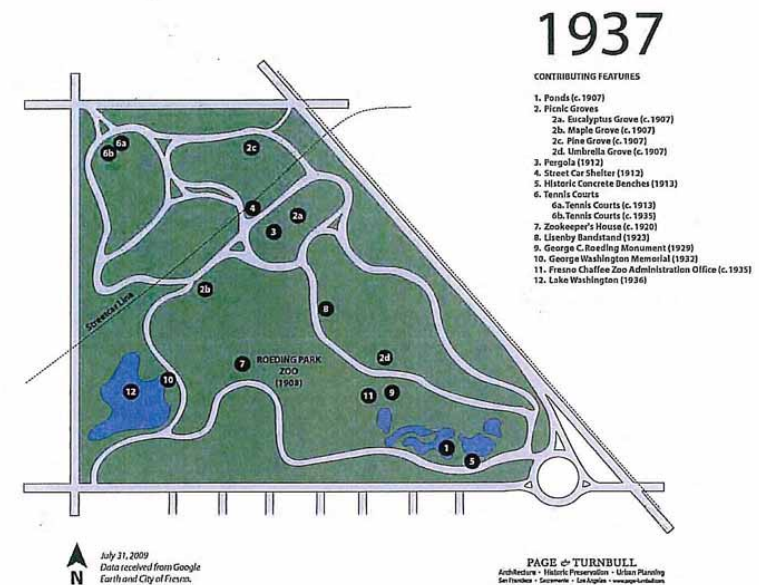
Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

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Source: Page & Turnbull
Roeding Park, 1923.

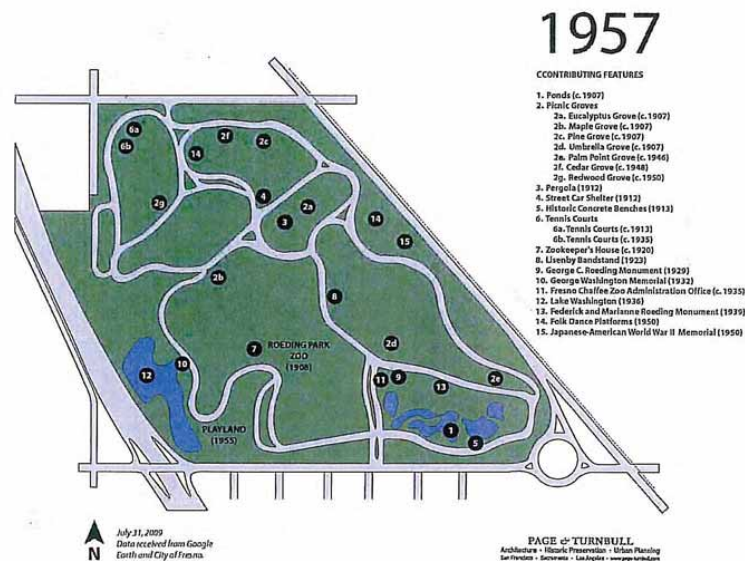
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Source: Page & Turnbull
Roeding Park, 1937.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

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Source: Page & Turnbull

Roeding Park, 1957.

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Source: Page & Turnbull

Roeding Park, 2008.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Roeding Park Ponds
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM Zone: 10 mE mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park ponds are located in the southeast quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. The ponds consist of four irregularly shaped manmade pools running roughly 900 feet east to west along the northern end of an unnamed park loop road. The ponds have concrete edging and are surrounded by mature landscaping and a few park benches. A large lawn is located to the north. Several of the ponds include small landscaped islands, and the largest of the ponds (second from the east) features two footbridges connecting an island to the mainland. The footbridges feature wooden plank walkways and metal pipe railings, though a historic photograph shows that at least one of the footbridges originally consisted of an arched walkway of wood planks with undressed timber supports and a bent wood railing. The easternmost pond includes a cast concrete fountain with floriated decoration rising from its center. Two kidney-shaped planters enclosed by concrete curbing are located to the north of the eastern ponds. The shape and proximity to the ponds suggests that these planters may once have been ponds that was filled in. The ponds appear to be in good condition and appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP22. Lake/River/Reservoir
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Partial view of pond.
11/2008
P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1907
Historic photographs.
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (JGL/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
4/27/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter none) Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Mining Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Cedar Grove
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM Zone: 10 mE mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Cedar Grove is located at the northern edge of Roeding Park, a 148-acre public park owned by the City of Fresno. The grove was established sometime before 1948. Many of the trees that make up the grove are quite large and appear to have been in place for many years. The grove consists of a grouping of approximately 5 mature cedar trees. It is bordered closely on the north by a paved vehicular road and the trees cluster around a grouping of six concrete slabs that act as platforms for non-historic picnic benches. The Pine Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Cedar Grove, looking east
4/2009
P6. Date Constructed/Age and Sources: ☒ Historic
Before 1948
Fresno Morning Republican
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
4/22/2009
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter none) Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Mining Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
Other Listings _____		Trinomial _____
Review Code _____	Reviewer _____	NRHP Status Code _____
Date _____		

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Eucalyptus Grove
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Eucalyptus Grove is located near the northeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. Along with the Pine, Umbrella, and Maple groves, the Eucalyptus Grove is one of the earliest of these species-themed picnic areas and likely dates to circa 1907. The grove consists of a grouping of approximately 15 mature eucalyptus trees. The trees cluster around an area of bare dirt, where a grouping of non-historic picnic benches is located. A small platform or stage made of concrete block, with metal posts around the edges, is located at the southwest corner of the grove area. Stone, poured concrete, and metal barbecue pits and grills are also scattered around the edges of the grove. The Eucalyptus Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Eucalyptus Grove, looking
northeast. 4/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1907
Fresno Morning Republican
(December 8, 1907).

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/22/2009

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary# _____
CONTINUATION SHEET		HRI # _____
		Trinomial _____

Page 2 of 2 *Resource Name or # (Assigned by recorder) Eucalyptus Grove
*Recorded by: Page & Turnbull *Date 4/22/2009 ☒ Continuation ☐ Update



View of picnic area within Eucalyptus Grove, including stage. (Page & Turnbull, 4/2009).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California—The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
		Trinomial _____
		NRHP Status Code _____
Other Listings _____	Review Code _____	Reviewer _____
		Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Maple Grove

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Maple Grove is located near the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Along with the Umbrella, Eucalyptus, and Pine groves, the Maple Grove is one of the earliest of these species-themed picnic areas and likely dates to circa 1907. The grove consists of a grouping of approximately 10 mature maple trees. A concrete path approaches from the northwest, where the grove is closely bordered by a paved vehicular road. The trees cluster around a grouping of six concrete slabs that act as platforms for non-historic picnic benches. Non-historic metal barbecue grills are located among the picnic tables. The Maple Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Maple Grove, looking east
4/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1907
Fresno Morning Republican
(December 8, 1907).

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/22/2009

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California—The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
		Trinomial _____
		NRHP Status Code _____
Other Listings _____	Review Code _____	Reviewer _____
		Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Palm Point Grove

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Palm Point Grove is located in the southeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. The grove was established sometime prior to 1946. The grove consists of a grouping of approximately 10 mature palm trees that appear to be of differing varieties, including tall slender Mexican Fan Palms and shorter, more substantial California Fan Palms. Pines and deciduous trees of other species are interspersed among the palms. The trees cluster around a large, gable-roofed picnic shelter and barbecue area (see Palm Point Shelter DPR 523A form.) Palm Point is located near the intersection of two paved roadways that run generally east-west and southeast-northwest, meeting at an acute angle and giving the Point its name. The Palm Point Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Palm Point Grove and shelter,
looking northwest. 4/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Before 1946
Fresno Morning Republican

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/22/2009

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
PRIMARY RECORD		
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Pine Grove
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM Zone: 10 mE/ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Pine Grove is located in the northeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. Along with the Umbrella, Eucalyptus, and Maple groves, the Pine Grove is one of the earliest of these species-themed picnic areas and likely dates to circa 1907. The grove consists of a grouping of approximately 25 mature pine trees that appear to be of differing varieties. The grove is bisected by a concrete path running generally north-south, and the trees cluster around a large, gable-roofed picnic shelter (see Pine Grove Shelter DPR 523A form.) The Pine Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Pine Grove and shelter, looking north. 4/2009
P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1907
Fresno Morning Republican
(December 8, 1907).
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
4/22/2009
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
PRIMARY RECORD		
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Redwood Grove
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM Zone: 10 mE/ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Redwood Grove is located near the northwestern edge of Roeding Park, a 148-acre public park owned by the City of Fresno. The grove was established sometime before 1950, and the trees appear to have been in place for many years. The grove consists of a grouping of approximately 15 mature redwood trees. It is bordered closely on the southeast by a paved vehicular road and on the northwest by tennis courts. The trees cluster around a grouping of eight concrete slabs that act as platforms for non-historic picnic benches. Non-historic metal barbecue grills are also located within the grove. The Redwood Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Redwood Grove, looking north. 4/2009
P6. Date Constructed/Age and Sources: ☒ Historic
ca. 1950
Fresno Morning Republican
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
4/22/2009
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
PRIMARY RECORD		
Other Listings Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Umbrella Grove
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Umbrella Grove is located near the southeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. Along with the Pine, Eucalyptus, and Maple groves, the Umbrella Grove is one of the earliest of these species-themed picnic areas and likely dates to circa 1907. The grove consists of a grouping of approximately 15 mature shade trees of varying species (none of which appear to be true Umbrella trees). The trees cluster around a grouping of eighteen concrete slabs that act as platforms for non-historic picnic benches. A low square platform or stage made of poured concrete is located at the center of the grouping of benches and metal lamp posts are scattered around the picnic area. Non-historic metal barbecue grills, stone trash shelters and barbecue pits, and a stone water fountain are located around the edges of the grove. A short paved walkway extends to the south of the grove and leads to a round planter surrounded by a concrete curb. A single tree is planted in this circle, which once contained a small pond with a fountain at the center. The Umbrella Grove appears to be in good condition, with trees generally appearing to be in good health. It appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP30. Trees/vegetation
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Umbrella Grove, looking south, 4/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1907
Fresno Morning Republican
(December 8, 1907).

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/22/2009

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary# _____ HRI # _____ Trinomial _____
CONTINUATION SHEET		

Page 2 of 2 *Resource Name or # (Assigned by recorder) Umbrella Grove
*Recorded by: Page & Turnbull *Date 4/22/2009 ☒ Continuation ☐ Update



View of picnic area within Umbrella Grove, including stage. (Page & Turnbull, 4/2009).



View of circular planter to south of Umbrella Grove. (Page & Turnbull, 4/2009).

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
PRIMARY RECORD		
Other Listings Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number(assigned by recorder) Roeding Park Pergola
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1961
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park pergola is located in the northeast quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. It stands approximately 75 feet south of the Roeding Park streetcar shelter, near the intersection of two unnamed park loop roads. Constructed in 1912, the pergola features two parallel rows of concrete Tuscan columns running approximately 235 feet in a curving line from the southeast to the northwest. The columns rest on concrete bases and support a network of trellised beams interlaced with mature wisteria vines. The terrain in the area is mildly sloping, such that the dirt walkway beneath the pergola has been divided into graduated sections connected by concrete steps. The walkway is flanked by concrete edging, and a water fountain clad in rough-textured stone and resting on a concrete pad has been installed near the center of the upper tier of the walkway. The pergola was originally used as a pathway for passengers accessing the streetcar shelter to the north. The pergola appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP29, Landscape Architecture
P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Partial view of pergola exterior
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1912
Fresno Bee (line 11, 1969)

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (BL/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/5/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

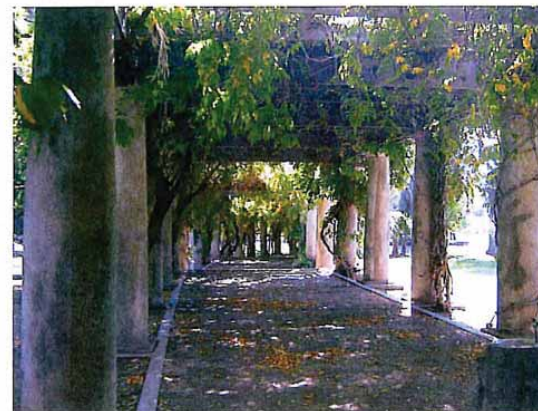
*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary# _____ HRI # _____ Trinomial _____
CONTINUATION SHEET		

Page 2 of 2 *Resource Name or # (Assigned by recorder) Roeding Park Pergola
*Recorded by: Page & Turnbull *Date 12/5/2008 ☒ Continuation ☐ Update



Detail of the walkway beneath the pergola (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Roeding Park Streetcar Shelter
P1. Other Identifier: _____
*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park streetcar shelter is located in the northeast quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. It stands approximately 75 feet north of the Roeding Park Pergola, near the intersection of two unnamed park loop roads. Constructed in 1912, the structure was originally used as a shelter for passengers of the Fresno Traction Company, which operated an electric streetcar railroad in Fresno until 1939. Designed in the Craftsman style, the shelter is approximately 20' x 30' and features six battered square columns made of mortared fieldstone supporting a gable roof clad in clay tiles. The roof structure is made of wood and consists of horizontal beams supporting a series of kingpost trusses, exposed rafters, and beadboard sheathing. The structure sits on a concrete slab and two concrete picnic tables are located within the shelter. A granite monument resting on a stepped concrete base is located approximately 20 feet to the northwest and commemorates the shelter. Dedicated in May 1989 by the Fresno Organization of Retired City Employees, the monument reads in part: "Between 1912 and 1939, thousands of passengers used this streetcar shelter while waiting for the Roeding-Fulton Line." The side of the monument includes an image of an electric streetcar. (Continued)

*P3b. Resource Attributes: (list attributes and codes) HP17. Railroad depot
*P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



*P5b. Photo: (view and date)
View from the east
11/2008
*P6. Date Constructed/Age and Sources: ☒ Historic
1912
Fresno Bee (line 11, 1969)
*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
*P8. Recorded by:
Page & Turnbull, Inc. (BL/GH)
724 Pine Street
San Francisco, CA 94108
*P9. Date Recorded:
4/27/2008
*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

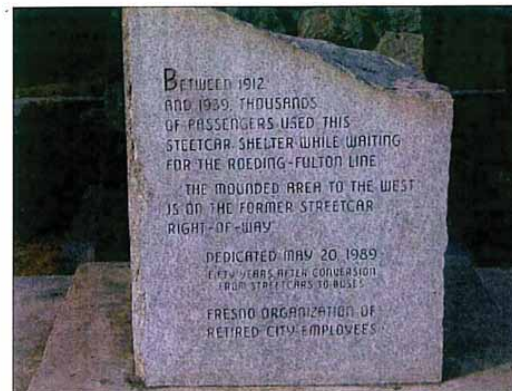
*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Roeding Park Streetcar Shelter
*Recorded by: Page & Turnbull *Date 4/27/2008 ☒ Continuation ☐ Update

P3a. Description: (continued)

The streetcar shelter appears to have influenced the design of the Pine Grove and Palm Point picnic shelters, which are similar in appearance, though larger and of slightly different materials and construction methods. The Roeding Park streetcar shelter appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.



Detail of the monument commemorating the streetcar shelter (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Roeding Park Concrete Benches

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
Roeding Park is a 148-acre public park owned by the City of Fresno, which developed in the early twentieth century. Concrete benches associated with the early development period of the park are extant and scattered throughout the park. The simple, narrow, cast concrete form is one of the park's earliest bench types, added to the park in 1913. An example of the 1913 concrete benches stands immediately west of the pond and north of Belmont Avenue and Park Drive in the southeastern portion of the park. The bench is comprised of a solid concrete base and features a slight diagonal flare to form the seat of the bench. The back of the bench extends perpendicularly from the concrete base to complete the streamlined form. A few concrete benches of this vintage remain in the park. These concrete benches appear to be in good condition and appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP28. Street Furniture

*P4. Resources Present: ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
View from the southeast
11/04/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1913
Fresno Morning Republican
(December 21, 1913)

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (MEG/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/18/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Roeding Park Tennis Courts

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park tennis courts are located at the northwest corner of Roeding Park, a 148-acre public park owned by the City of Fresno. The courts are arranged in two main groupings, with the northern most grouping consisting of seven closely arranged courts in two rows (four in the top row and three in the lower row), while the southern grouping includes eight courts in two rows separated by a wide paved area. The courts are paved and enclosed by high modern chain link fences with mesh windscreens. The northern grouping of courts includes a non-historic concrete block storage building at the western edge featuring a shed roof and a flush metal door, as well as a rustic gable roofed kiosk that appears to be historic. Research indicates that northernmost row of tennis courts were in place by 1913, with the row immediately to the south in place by 1935. These historic courts feature remnants of flood lights arranged on metal poles at the edge of the courts. The southern grouping of tennis courts were constructed in the 1980s and feature opposing boxed lights on metal poles. Overall, the tennis courts appear to be in good condition. The historic tennis courts appear to contribute to the potential Roeding Park Historic District, whereas the 1980s tennis courts do not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP39. Other

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Aerial view of Lake Washington
(courtesy of GoogleEarth)
12/6/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
ca. 1913, ca. 1935 and 1980
Fresno Morning Republican

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (GL/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
04/27/2009

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Roeding Park Tennis Courts
 *Recorded by: Page & Turnbull *Date 04/27/2009 ☒ Continuation ☐ Update



Detail of the northernmost tennis court with older lighting fixtures (Page & Turnbull, 11/2008).



General view showing tennis courts and nearby parking lot (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 3 *Resource name(s) or number (assigned by recorder) Lisenby Bandstand
 P1. Other Identifier: _____
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
 *P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Lisenby Bandstand is located in the northeast portion of the Fresno Chaffee Zoo, located within Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1923, the bandstand is a double-height one-story building designed with Classical and Mediterranean Revival influences. The building is rectangular in plan, clad in concrete blocks and stucco, and capped by a hip roof with overhanging eaves, covered by terra cotta tiles. The primary facade faces southeast and features a wide wooden stage with wood risers flanked by square columns with molded sunken relief panels. A tile-clad stage addition extends to the southeast. The northwest wall at the rear of the stage is clad with diagonal and vertical flush wood cladding. An organ was added to the bandstand in 1934 and was most likely housed behind the wood cladding at the rear of the stage; however, the organ was removed sometime in the later half of the twentieth century. Small, plaster-clad restrooms are located behind the rear stage wall at the building's east and west ends and the wood ceiling contains lighting. The stage is accessed via concrete stairs—flanked by stucco-clad side walls topped by a rounded metal banister which lead to a landing with stucco clad walls with coping and square piers. An amphitheater with riser seating was added southeast of the bandstand in 1954 with dirt from the excavation of Highway 99. The Bandstand appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP12. Civic Auditorium
 *P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



*P5b. Photo: (view and date)
Partial view of the bandstand
11/2008
 *P6. Date Constructed/Age and Sources: ☒ Historic
1923
Building Permits
 *P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
 *P8. Recorded by:
Page & Turnbull, Inc. (MEG/GH)
724 Pine Street
San Francisco, CA 94108
 *P9. Date Recorded:
12/8/2008
 *P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
 *Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 3 *Resource Name or # (Assigned by recorder) Lisenby Bandstand
 *Recorded by: Page & Turnbull *Date 12/8/2008 ☒ Continuation ☐ Update



Detail of the bandstand exterior from the southwest (Page & Turnbull, 11/2008).



Detail of steps rising to the north side of the stage (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 3 *Resource Name or # (Assigned by recorder) Lisenby Bandstand
 *Recorded by: Page & Turnbull *Date 12/8/2008 ☒ Continuation ☐ Update



Amplitheater located southeast of the bandstand (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) George C. Roeding Monument
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The George C. Roeding Monument is located in the southeast quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. The monument stands approximately 365 feet east of the Fresno Chaffee Zoo Administration Building, immediately south of an unnamed park road. The monument consists of a cast bust of George C. Roeding, who's family donated the land for the park and was very involved in the early layout and development of the park. The bust rests on a concrete pedestal and is approximately three feet high. The bust is surrounded by a grassy lawn and is set within an ivy-covered planting bed. The bust was installed in 1929. The monument appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP26. Monument
P4. Resources Present: ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
View of monument
12/2008
P6. Date Constructed/Age and Sources: ☒ Historic
1929
Fresno Bee
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (JGL/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
12/5/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) George Washington Memorial
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park George Washington Memorial is located in the southwest quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. The monument stands near the eastern shore of Lake Washington, approximately 25 feet west of the main park loop road. The memorial commemorates the bicentennial of President George Washington's birth and consists of a bronze bust of George Washington standing on a rectangular granite pedestal featuring an incised bead and cove platform. The pedestal is inscribed "GEORGE WASHINGTON 1732 - 1932 BICENTENNIAL CELEBRATION" and rests on a base of rough-textured stone and a concrete pad. A small bronze plaque attached to a slanted stone base rests at the foot of the memorial and is entitled "Donors of the George Washington Memorial 1932," with a list that includes various veteran's organizations, civic groups, and fraternal organizations. The memorial is flanked by planting beds enclosed with concrete edging and surrounded by a lawn. Both the plaque and the memorial show weathering but appear to be in overall good condition. The memorial appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP26. Monument
P4. Resources Present: ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
View from the southeast
11/2008
P6. Date Constructed/Age and Sources: ☒ Historic
1932
Donor plaque
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (JGL/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
12/5/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____	
Review Code _____	Reviewer _____
Date _____	

A photograph of a small, rustic wooden building with a gabled roof, surrounded by trees and foliage. The building has a porch area and a set of steps leading up to it.

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 4 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Zookeeper's House
 *Recorded by: Page & Turnbull *Date 04/27/2008 ☒ Continuation ☐ Update

The rear (south) façade was part of the original Zookeeper's House, and features log siding, a screened window, and an entrance with a simple, shed-roofed portico. The façade terminates in overhanging eaves with exposed purlins, with a louvered vent centered in the gable end. The east façade features log siding and three double-hung, wood sash windows in the original portion, and flush wood siding and a row of casement windows in the addition. The west façade is also clad in log siding and features multi-light casement windows, but is largely obscured due to heavy vegetation. A stone chimney is located near the northwest corner of the original building, and an air conditioning unit sits on the east side of the roof. A freestanding, outdoor brick fireplace is located near the main entrance, and an associated one-story, wood frame garage with a gable roof is located northwest of the house. The Zookeeper's House appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.



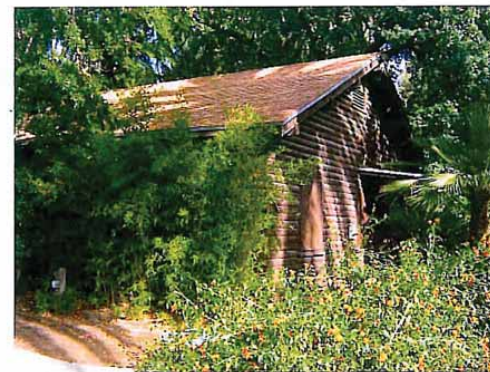
Zookeeper's House, detail of primary (north) façade, original portion (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 4 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Zookeeper's House
 *Recorded by: Page & Turnbull *Date 04/27/2008 ☒ Continuation ☐ Update



View of Zookeeper's House, rear (south) façade (Page & Turnbull, 11/2008).



View of Zookeeper's House, east façade (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 4 of 4 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Zookeeper's House
 *Recorded by: Page & Turnbull *Date 04/27/2008 ☒ Continuation ☐ Update



Garage adjacent to Zookeeper's House (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Lake Washington
 P1. Other Identifier: _____
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 Lake Washington is located in the southwest quadrant of Roeding Park, a 148-acre public park owned by the City of Fresno. The lake was excavated by the Works Progress Administration in 1936 and is irregular in shape, with a curving shoreline that runs approximately 850 feet from southeast to northwest. The lake is enclosed by a concrete wall and includes a large fingered dock at the south end where the pedal boats for the Playland attraction are moored. The lake also includes two islands covered with vegetation. The first is a smaller island located approximately 220 feet northwest of the dock, and the second is located in a curving bay at the north end of the lake with a narrow channel to the east. The lake is generally bordered by mature landscaping and lawns, and a fountain is located in the lake west of the George Washington memorial. In 1954, Highway 99 was constructed along the west side of the lake, which reduced the lake in size and reconfigured the western shoreline. Lake Washington appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP35, WPA Project

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
 Aerial view of Lake Washington
 (courtesy of GoogleEarth)
12/6/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1936, Fresno Past and Present (Spring 1984)

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (BL/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/8/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# HRI # Trinomial
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Lake Washington
 *Recorded by: Page & Turnbull *Date 12/8/2008 ☒ Continuation ☐ Update



Detail of the fountain in Lake Washington (Page & Turnbull, 11/2008).

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer Date

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Frederick and Marianne Roeding Monument
 P1. Other Identifier:
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Frederick and Marianne Roeding Monument is located to the southeast of the Umbrella Grove and east of the Fresno Chaffee Zoo Administration Office in the southeastern portion of Roeding Park, a 148-acre public park owned by the City of Fresno. Installed in 1939, the monument is composed of a large granite boulder resting on a square concrete platform and centered on a large lawn. On the face of the rock is a square space with four screw holes which formerly contained a bronze plaque. The monument is dedicated to Frederick and Marianne Roeding the original donors of the land for the park and was commissioned by their sons Frederick and Henry to mark the thirty fifth anniversary of the park's creation. The monument appears to be in fair condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP26. Monument
 *P4. Resources Present: ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other



*P5b. Photo: (view and date)
View of monument
11/2008
 *P6. Date Constructed/Age and Sources: ☒ Historic
1939
Fresno Bee, May 23, 1939
 *P7. Owner and Address:
City of Fresno
2800 Fresno Street
Fresno, CA 93721
 *P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108
 *P9. Date Recorded:
04/27/2008
 *P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
 *Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____ HRI # _____
PRIMARY RECORD		Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo Administration Office

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo Administration Office stands in the south, central portion of Roeding Park, a 148-acre public park owned by the City of Fresno. Built circa 1935, the Administration Office is a one-story, vernacular style building, capped by a gable roof clad with asphalt shingles. The building is generally rectangular in plan, clad with wood channel drop siding, and has a brick water-table. The primary façade faces west with a recessed porch near the center. The porch is accessed by a concrete path and steps, is covered by a gable roof supported by square wood posts, and features a wood X-braced railing. The primary entrance is a partially-glazed wood door covered by a metal-frame screen door. Typical fenestration consists of one-over-one, double-hung wood-sash windows. A single aluminum-sash picture window is located on the primary façade. The roofline features exposed rafter tails and triangular arch louvered wood attic vents in the gable ends. Later additions are located on the primary and east façades. The former is located on the north side of the primary façade, creating an ell. A secondary entry on the east addition leads to a concrete patio at the rear of the building. The construction date of the additions is unknown, however they are similar to the original portion of the building in materials and style and were likely added relatively soon after the original construction of the building. The Administration Office appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP6, 1-3 Story Commercial Building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Looking northeast
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
ca. 1935
Visual estimate

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (MEG/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/27/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list) _____

DPR 523A (1/95)

*Required information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary# _____ HRI # _____
CONTINUATION SHEET		Trinomial _____

Page 2 of 2 *Resource Name or # (Assigned by recorder) Zoo Administration Office

*Recorded by: Page & Turnbull *Date 04/27/2008 ☒ Continuation ☐ Update



Zoo Administration Office, north façade, showing addition to primary façade at right.
(Page & Turnbull, 11/2008).



Zoo Administration office, rear (east) façade, showing secondary entry on eastern addition (at left).
(Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Japanese-American World War II Memorial
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Japanese-American World War II Memorial is located in the east central portion of Roeding Park, a 148-acre public park owned by the City of Fresno. The memorial stands at the eastern edge of the park near Golden State Boulevard, and was constructed in 1950 to commemorate the service of Japanese-Americans from the San Joaquin Valley during World War II. The memorial consists of a stepped granite monument on a marble base and was designed with Art Moderne influences. The central portion of the monument features a large rectangular inscription field with stepped geometric reliefs on either side, and is capped with a carved relief of an eagle. This central portion is flanked by stepped and sloping wing walls, and two urns rest at its base. An inscription on the central portion attests to the soldiers' service, while the two wing walls are inscribed with the names of fallen soldiers and are titled with the words "FOREVER HONORED" and "FOREVER MOURNED" respectively. The monument is surrounded by mature trees, and three concrete steps run from the monument down to a small lawn enclosed by concrete edging. Here, a second set of three concrete steps leads to a large paved area with an angled concrete retaining wall. The monument appears to be in good condition and appears to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP26. Monument
P4. Resources Present: ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
View from the southwest
11/2008
P6. Date Constructed/Age and Sources: ☒ Historic
1950
Fresno Bee
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (JGL/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
12/8/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list) _____

DPR 523A (1/95)

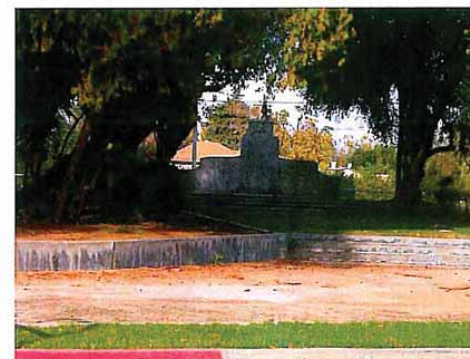
*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET		Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Roeding Park Tennis Courts
*Recorded by: Page & Turnbull *Date 12/8/2008 ☒ Continuation ☐ Update



Detail of the memorial viewed from the southeast (Page & Turnbull, 11/2008).



View from the southwest showing concrete steps and retaining wall (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Roeding Park Folk Dance Platforms

P1. Other Identifier: Dance Floors

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

Roeding Park, a 148-acre public park owned by the City of Fresno, contains two folk dance platforms. One dance platform is located in the east portion of the park and another stands in the north, central portion of the park. Built in 1950, the roughly oval-shaped asphalt dance areas feature a simple raised, concrete block platform with a metal banister. The folk dance caller may have stood in on the raised platforms to direct the dances. Several metal streetlights are located around the edge of the dance area. The folk dance platforms appear to be in good condition and appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP39. Other

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Looking northwest
11/4/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1950
Fresno Bee (June 2, 1963).

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (MEG/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/22/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Lion House

P1. Other Identifier: Roeding Park Zoo

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. The Lion House is located in the center of the Zoo, and was originally constructed by the Works Progress Administration. The building is currently used for maintenance operations. Built in 1936 and subsequently altered, the Lion House is a one-and-a-half-story, wood-frame building designed in a utilitarian style. The building is rectangular in plan, clad in stucco, and capped by a flat roof. The primary facade faces south, and features no ornamentation. A vertical log fence encloses the building and an area of small animal cages. The secondary (west) facade features a row of windows covered with hinged metal sheathing as well as boarded-up square openings at the ground level and a metal drain pipe. Additional secondary facades were obscured from view and appear to feature no ornamentation. The Lion House appears to be in good condition, although it has been severely altered and no longer retains its original design and function. The Lion House does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
Partial view of Lion House
12/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1936
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (GH/CD)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/22/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

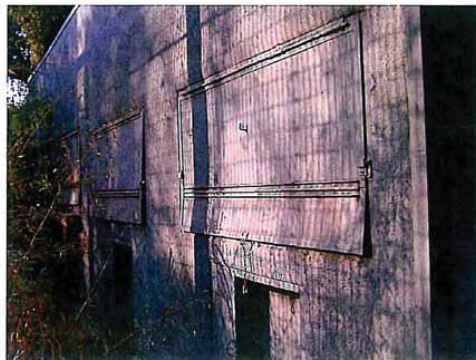
Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Lion House
 *Recorded by: Page & Turnbull *Date 12/22/2008 ☒ Continuation ☐ Update



Partial view of south facade (Page & Turnbull, 11/2008).



Detail of secondary (west) facade (City of Fresno, 12/2008).

DPR 523A (1/95)

*Required information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number(s) assigned by recorder Fresno Chaffee Zoo: Elephant House
 P1. Other Identifier: Roeding Park Zoo
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. The Elephant House is located in the southeast quadrant of the Zoo, and was originally the home of Nosey the Elephant. The building currently contains the zoo's security and first aid station. Built in 1949 and subsequently altered, the Elephant House is a one-and-a-half-story, wood-frame building designed in a modern style. The building is rectangular in plan, clad in stucco and vertical wood siding, and capped by a flat, overhanging roof. The primary facade faces east, and features no ornamentation. A fully-glazed door with glazed sidelights and a glazed transom is located on the south end of the facade, and a row of square clerestory windows decorates the upper floor. The facade terminates in a wide overhang with exposed rafters (this feature has been altered). The north facade does not feature any windows, doors, or ornamentation. The west facade abuts the adjacent Giraffe Barn (1954), and the south facade is not visible from the street. The Elephant House was formerly part of a larger enclosure surrounded by a heavy pipe fence, which has since been removed. (continued)

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
 *P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



*P5b. Photo: (view and date)
View of Elephant House
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1949
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/22/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
 *Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

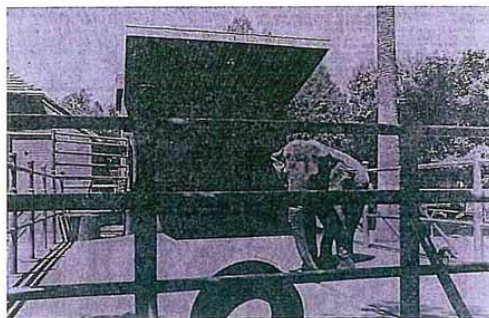
State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Elephant House
 *Recorded by: Page & Turnbull *Date 12/22/2008 ☒ Continuation ☐ Update

The Elephant House appears to be in good condition, although the facing was removed and replaced in 1970, portions of the overhang were replaced in 1971, and the overhang was reduced in size sometime after 1979. The Elephant House does not appear to contribute to the potential Roeding Park Historic District.



View from pathway showing Elephant House in foreground, and two Giraffe Barns behind (Page & Turnbull, 11/2008).



View of Elephant House, 1979 (Fresno Bee, 27 June 1979, in Fresno Zoo Archives).

DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 1 *Resource name(s) or number(s) assigned by recorder Fresno Chaffee Zoo: Seal Pool
 P1. Other Identifier: Roeding Park Zoo
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM Zone: 10 mE/ _____ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1952, the Seal Pool is located near the center of the Zoo, and is composed of a concrete exhibit and pool that house seals and sea lions. The exhibit is roughly oval in plan and features a large concrete pool surrounded by a concrete deck. A concrete island with sculpted concrete faux rocks is located in the center of the pool. A chain link fence encloses the area at the west end of the pool, and plantings are scattered around the concrete deck. A log fence surrounds the entire exhibit. The Seal Pool appears to be in good condition, but has been altered since its original construction. The Seal Pool does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☒ Other



*P5b. Photo: (view and date)

View of Seal Pool
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1952
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/22/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

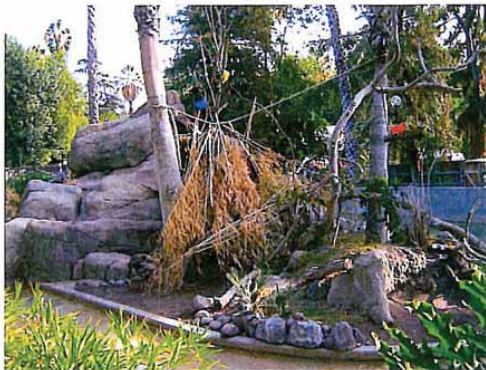
*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Monkey Island
P1. Other Identifier: Roeding Park Zoo
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1953, Monkey Island is located in the northeast corner of the Zoo, and is composed of a sunken island surrounded by a moat. The island was originally designed as a habitat for spider monkeys, and now houses lemurs and black swans. The enclosure is roughly oval in plan and surrounded by a concrete retaining wall. The moat is concrete, and is currently filled with water. The island features sculpted stucco rocks at the east end, and is landscaped with palm trees. Monkey Island is uncovered and unfenced, and visitors can view the zoo's paved pathways. Monkey Island appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District.

P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☒ Other



P5b. Photo: (view and date)
View of Monkey Island
11/2008
P6. Date Constructed/Age and Sources: ☒ Historic
1953
Jean Chaffee Files
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
12/22/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

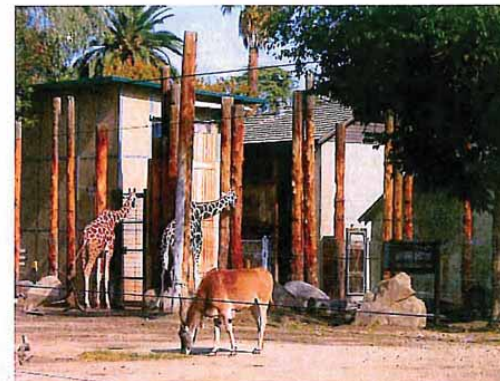
DPR 523A (1/95)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 3 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Giraffe Barn
P1. Other Identifier: Roeding Park Zoo
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. The Giraffe Barn is located in the southeast quadrant of the Zoo, and is part of the large, open giraffe enclosure. Built in 1954, the Giraffe Barn is a two-story, concrete building that lacks any discernible architectural style. The building is rectangular in plan, clad in painted concrete blocks, and capped by a clipped gable roof covered in wood shingles. The gable ends are clad in flush wood siding and feature louvered vents. A full-height wooden barn door large enough for the giraffes to enter is located on the west facade. No windows or pedestrian doors were visible from the street. The Giraffe Barn appears to be in good condition and does not contribute to the potential Roeding Park Historic District.
A second, modern barn is located adjacent to the historic Giraffe Barn to the west. Built sometime in the late-twentieth century, the second giraffe barn is also a two-story building that lacks any discernible architectural style. The building is rectangular in plan, clad in wood panels with exposed steel trim, and capped by a flat roof with overhanging eaves. (continued)

P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Giraffe Barn and enclosure
11/2008
P6. Date Constructed/Age and Sources: ☒ Historic
1954
Jean Chaffee Files
P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108
P9. Date Recorded:
12/19/2008
P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 3 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Giraffe Barn
 *Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update

The primary façade faces south onto the backside of the giraffe enclosure and features a full-height wooden barn door large enough for the giraffes to enter. All façades are simple, and feature no ornamentation. On the east façade, a metal staircase leads to a flush metal door on the second floor. No windows were visible from the street. This building also appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District.



View of northeast corner of Giraffe Barn, with second giraffe barn visible at right (Page & Turnbull, 11/2008).

DPR 523A (1/95)

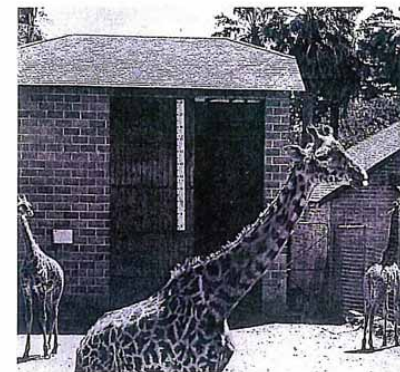
*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 3 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Giraffe Barn
 *Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



View from pathway showing Elephant House in foreground, and two Giraffe Barns behind (Page & Turnbull, 11/2008).



Giraffe Barn, west façade, circa 1962 (Fresno Zoological Society, Roeding Park Zoo Official Guide, 1962, in Madden Library).

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	
Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____	Other Listings _____ Review Code _____ Reviewer _____ Date _____

Page 1 of 3. *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Bear Grottoes

P1. Other Identifier: Roeding Park Zoo

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1955 and remodeled in 1962, the Bear Grottoes are located near the center of the Zoo, and are composed of a sunken exhibit surrounded by a moat with chain link cages at the rear. The grottoes were originally designed to hold polar bears and grizzly bears. The exhibit is semicircular in plan and features irregular sculpted walls covered in gunnite with four recessed caves. A landscaped platform extends from the caves and is surrounded by a concrete moat approximately ten feet deep. The moat is not currently filled with water. A low rock wall and a wooden fence surround the entire exhibit. The Bear Grottoes appear to be in good condition, but do not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



*P5b. Photo: (view and date)
View of Bear Grottoes
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1955
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/19/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	
Primary# _____ HRI # _____ Trinomial _____	

Page 2 of 3. *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Bear Grottoes

*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Additional view of Bear Grottoes (Page & Turnbull, 11/2008)



Detail of moat at Bear Grottoes (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# HRI # Trinomial
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Page 3 of 3 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Bear Grottoes
*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Cages behind Bear Grottoes (Page & Turnbull, 11/2008).

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer Date

Page 1 of 5 *Resource name(s) or number (assigned by recorder) Rotary Playland
P1. Other Identifier: Playland
*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
Rotary Playland (Playland) is a 3.65 acre site located within Roeding Park, a 148-acre public park owned by the City of Fresno. Established in 1955, Playland is operated by the Rotary Club as a non-profit amusement park with historic and contemporary rides and amenities. Playland is located just south of Lake Washington in the southwest corner of Roeding Park, and features rides, sculptures, and buildings. Playland is fenced off from the rest of Roeding Park with decorative iron fencing approximately 6' tall. Paths are asphalt or concrete, and lawns are found throughout. Wood picket fences or simple metal fences surround each attraction, and low tiled concrete walls or split rail fences contain the plantings. Other site features include wood and metal benches, pierced metal picnic tables and trash cans, and drinking fountains. A small train operates around Lake Washington at the west end of the site, and crosses through Playland at the Maintenance Building near the south end of the site. Playland also operates pedal boats from a T-shaped wooden dock on Lake Washington. (continued)

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Playland
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1955-present
Building permits.

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/18/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/96)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 5 *Resource Name or # (Assigned by recorder) Rotary Playland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update

Some of the rides at Playland date from the site's original 1955 construction, while others have been modified or are more recent additions. The larger rides are freestanding, but some of the smaller rides are covered with pavilions. Rides and attractions at Playland include: Carousel (circa 1955, modified at an unknown date); Midge-o-Racers (circa 1955); Helicopters (circa 1955); Big Rocko (circa 1955); Little Rocko (circa 1955); Teacups (circa 1969, currently closed); Ladybugs (unknown date); Train (recent replacement); Roller Coaster (recent replacement); Pedal Boats (recent replacement); Octopus Ride (circa 2002); Tilt-A-Whirl (2008); and Splash Park (2008).

Colorful freestanding pavilions are scattered throughout Playland and used as picnic or shade shelters; each features four metal columns and a pyramidal roof and was constructed circa 1990. Other buildings at Playland are utilitarian in nature, and lack architectural distinction. Constructed circa 1990, the main entrance is located at the east end of Playland and features six typical metal pavilions. Other buildings at Playland include the Ticket Booth/Concession Stand (circa 1990); Restrooms (unknown date); Activity Stage (unknown date); Train Station (recent replacement); and the Train Tunnel/Maintenance & Office Building (circa 1961). Plaster sculptures are found in the center of Playland, and include Toy Soldiers, Mushrooms, and a drinking fountain resembling a circus lion. Some of these sculptures appear to date to ca. 1955.

Playland as a whole appears to be in good condition, with some individual features in fair condition. Playland does not appear to contribute to the potential Roeding Park Historic District.



View of Playland, showing Big Rocko and Carousel (Page & Turnbull, 11/2008).

DPR 523A (1/95)

*Required information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 5 *Resource Name or # (Assigned by recorder) Rotary Playland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of Carousel (Page & Turnbull, 11/2008).



View of MidgeoRacers with pavilion and fence (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 4 of 5 *Resource Name or # (Assigned by recorder) Rotary Playland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of typical freestanding metal pavilion (Page & Turnbull, 11/2008)



View of Lion Drinking Fountain at center of Playland (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 5 of 5 *Resource Name or # (Assigned by recorder) Rotary Playland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of railroad tracks and Train Tunnel/Maintenance & Office Bldg (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Palm Point Picnic Shelter

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Palm Point Picnic Shelter is located within Palm Point Grove in the southeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. The shelter sits on a concrete slab, surrounded by mature palm and evergreen trees, and is bordered closely on the north and south by paved vehicular roads and on the northwest by a concrete walkway. The shelter is rectangular in plan and situated on a northwest-southeast axis. The structure consists of eight square, battered piers made of mortared, randomly coursed field stone, supporting a gable roof. The roof structure is made of wood and consists of horizontal beams supporting a series of Belgian trusses, narrow sheathing boards, wide fascia boards, and corrugated metal cladding. The gable ends of the roof are kicked out (ie: the ridge beam projects beyond the vertical plane of the gable end.) Due to this characteristic, and the way the horizontal beams and trusses are constructed of multiple pieces of dimensional lumber that have been lapped and bolted together (instead of being single pieces of timber), it is believed this structure dates to circa 1960. Within the shelter are multiple picnic benches made of poured concrete. To the immediate northeast is an outdoor kitchen/barbecue area consisting of modern metal grills and counters and fire pits made of mortared field stone. The Palm Point Picnic Shelter appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District due to its age.

*P3b. Resource Attributes: (list attributes and codes) HP29. Landscape Architecture

*P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Palm Point Picnic Shelter looking northeast.
4/19/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1960
Visual estimate

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/20/09

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Pine Grove Picnic Shelter

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Pine Grove Picnic Shelter is located within the Pine Grove in the northeastern corner of Roeding Park, a 148-acre public park owned by the City of Fresno. The shelter sits on a concrete slab, surrounded by mature pine trees, and is approached from the south and north by a concrete walkway that runs parallel to the west side of the shelter. The shelter is rectangular in plan and situated on a north-south axis. The structure consists of eight square, battered piers, made of mortared, randomly coursed field stone, supporting a gable roof. The roof structure is made of wood and consists of horizontal beams supporting a series of Belgian trusses, narrow sheathing boards, wide fascia boards, and corrugated metal cladding. The gable ends of the roof are kicked out (ie: the ridge beam projects beyond the vertical plane of the gable end.) Due to this characteristic, and the way the horizontal beams and trusses are constructed of multiple pieces of dimensional lumber that have been lapped and bolted together (instead of being single pieces of timber), it is believed this structure dates to circa 1960. Within the shelter are multiple picnic benches made of poured concrete. The Pine Grove Picnic Shelter appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District due to its age.

*P3b. Resource Attributes: (list attributes and codes) HP29. Landscape Architecture

*P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other



P5b. Photo: (view and date)
Pine Grove Picnic Shelter looking northeast.
4/19/2009

*P6. Date Constructed/Age and Sources: ☒ Historic
Ca. 1960
Visual estimate

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (CPH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
4/20/09

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Pine Grove Shelter
 *Recorded by: Page & Turnbull *Date 4/20/09 ☒ Continuation ☐ Update



Pine Grove picnic shelter, detail of battered stone pier (Page & Turnbull, 4/2009).



Pine Grove picnic shelter, detail of roof trusses and gable end (Page & Turnbull, 4/2009).

DPR 523A (1/85)

*Required Information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Walk-Through Aviary
 P1. Other Identifier: Roeding Park Zoo
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
 *P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. The Walk-Through Aviary (now known as the "African Aviary") is located in the northeast quadrant of the Zoo, and was designed to house a variety of bird species. Built in 1960, the Walk-Through Aviary is a two-story, mesh and frame enclosure that lacks any discernible architectural style. The structure is roughly rectangular in plan, and zoo visitors are allowed to walk through the aviary to view the birds. The enclosure features trees and a dirt path with simple chain and post railings throughout the interior. On the west flag side, a mesh and wood exterior door opens into a small vestibule with another identical interior door, designed to prevent the birds from escaping. The Walk-Through Aviary appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
 *P4. Resources Present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



*P5b. Photo: (view and date)
View of Walk-Through Aviary
11/2008
 *P6. Date Constructed/Age and Sources: ☒ Historic
1960
Jean Chaffee Files
 *P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
 *P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108
 *P9. Date Recorded:
12/22/2008
 *P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
 *Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/85)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
Other Listings _____		Trinomial _____
Review Code _____	Reviewer _____	Date _____

Page 1 of 2. *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Ape Grottoes

P1. Other Identifier: Roeding Park Zoo

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1961, the Ape Grottoes are located in the northeast corner of the Zoo, and are composed of a series of three enclosures with a small service building at the rear; the grottoes were originally designed to hold chimpanzees, orangutans, and gorillas, and now hold capybaras, anteaters, and various other animals. Each enclosure is roughly rectangular in plan and features irregular, cave-like sculpted stucco walls covered in graffiti. The enclosures are uncovered and unfenced, and visitors can view the animals from the zoo's paved pathways. Located to the rear of the grottoes are several chain link cages and a small building used for maintenance of the exhibit and care of the animals. The unornamented, concrete block building is rectangular in plan and capped by a flat roof covered with built-up roofing materials. Typical fenestration includes multi-light steel sash windows with screens and metal bars. A pedestrian entrance is located at the rear of the service building, and features a flush metal door. The Ape Grottoes appear to be in good condition, but do not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Ape Grottoes
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1961
Fresno Magazine (Sept. 29, 1976)

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/19/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary# _____
CONTINUATION SHEET		HRI # _____
		Trinomial _____

Page 2 of 2 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Ape Grottoes

*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Additional view of Ape Grottoes, primary façade (Page & Turnbull, 11/2008).



View of Ape Grottoes, rear façade (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California—The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Roeding Park Horseshoe Arena
P1. Other Identifier: _____
P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad: Fresno North Date: 1981
*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Roeding Park Horseshoe Arena is located northwest of Palm Point at the eastern edge of Roeding Park, a 148-acre public park owned by the City of Fresno. Constructed sometime before 1961, the Horseshoe Arena is a large rectangular enclosure which features a central lawn flanked by a series of eight concrete horseshoe pits on the north and south ends. Both rows of pits are surrounded by a concrete platform, and each pit contains a rectangular dirt area with a steel stake and a low wooden backstop. The Horseshoe Arena is surrounded by a low chain-link fence, with a chain-link gate centered on the west wall of the enclosure. Two light posts with concrete bases are located in the middle of the central lawn. The Horseshoe Arena appears to be in fair condition and does not appear to contribute to the potential Roeding Park Historic District.

P3b. Resource Attributes: (list attributes and codes) HP39, Other
P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Horseshoe Arena
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
Before 1961
Interview with Pete Rocco

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/29/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET		Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Roeding Park Horseshoe Arena
*Recorded by: Page & Turnbull *Date 12/29/2008 ☒ Continuation ☐ Update



Distant view of Horseshoe Arena (Page & Turnbull, 11/2008)



Detail of horseshoe pit and backstop (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
Other Listings _____		Trinomial _____
Review Code _____		NRHP Status Code _____
Reviewer _____	Date _____	

Page 1 of 1 *Resource name(s) or number (assigned by recorder) Roeding Park Pump Houses

P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
Roeding Park, a 148-acre public park owned by the City of Fresno, contains two pump houses to monitor the water system within the park. Built in 1961, the concrete block, front-gable, one-story buildings are faced with brick and capped by wood shingle clad roofs with exposed rafter ends. One of the park's pump houses, pictured below, stands at the southeast corner of the park and services the ponds. The building is accessed via a metal-clad door that faces southeast towards Belmont Avenue. A small area fenced by a chain link fence directly behind the pump house contains pipes and mechanics related to the park's water maintenance. Low concrete edging on the east and west sides of the building denotes the location of flowerbeds. The other pump house is located in the northern section of the park. The pump houses appear to be in good condition, but do not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP9. Public Utility Building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
Looking northwest
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1961
Building Permit

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (MEG/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/22/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☒ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION		Primary # _____
PRIMARY RECORD		HRI # _____
Other Listings _____		Trinomial _____
Review Code _____		NRHP Status Code _____
Reviewer _____	Date _____	

Page 1 of 5 *Resource name(s) or number (assigned by recorder) Rotary Storyland

P1. Other Identifier: Storyland

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
Rotary Storyland (Storyland) is a 3.35 acre site located within Roeding Park, a 148-acre public park owned by the City of Fresno. Established in 1962; Storyland is operated by the Rotary Club and is a non-profit children's attraction that promotes literacy through a variety of children's storybook exhibits. Storyland is located just north of Lake Washington at the western boundary of Roeding Park, and features exhibits, sculptures, and buildings accessed along winding, wooded paths. A stream runs through the site, and a small train operates around Lake Washington at the south end of the site. Storyland is fenced off from the rest of Roeding Park with decorative iron fencing approximately 8' tall. Paths are asphalt, concrete, brick, or stone, and feature mosaics as part of the exhibits. Several low wooden bridges span the stream, and feature sculpted railings with gingerbread men, lollipops, and other novelty patterns. Low rock walls and split rail fences contain the plantings and divide the exhibits. Other site features include metal benches, lamp posts, and picnic tables, all decorated with novelty details. (continued)

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☒ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Storyland entrance
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1962-1980
Building permits.

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/18/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 5 *Resource Name or # (Assigned by recorder) Rotary Storyland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update

The buildings at Storyland are designed in vernacular or mimetic styles similar to those typically found at amusement parks or roadside attractions. The wood-frame Storyland buildings are clad in stucco or wood, and incorporate whimsical details, playground features, and children's activities into their architecture. The exhibits were designed by a local Fresno artist, Patricia Hopper, who was influential in advocating for the construction of Storyland in Roeding Park. The main entrance is located at the east end of Storyland and was redesigned circa 1980. The one-story, wood-frame entrance building houses a ticket booth and turnstile, and resembles a village or castle. All other buildings were constructed in 1962, and include: Pinocchio's Theatre; Old Lady's Shoe; Red's House; Gulliver's Ship; King Arthur's Castle; Three Bears; Children's Chapel; Ginger Bread Man; Train Station; Gypsy Wagon/Concession Stand; and Restrooms.

Plaster and wood sculptures depicting characters from children's literature are found throughout Storyland, and were also constructed in 1962. Most are accompanied by a handpainted wooden signs that tell the story of the character. Storyland sculptures include: Caterpillar; 3 Little Pigs; Alice's Maze; Alice's Court; White Rabbit; Jack & Jill; Crooked Mile; Winnie the Pooh; Simple Simon; McGregor's Garden; Mother Goose; Frog Prince; Little Boy Blue; and Little Miss Muffet.

Overall, Storyland appears to be in good condition with some individual features in fair condition, but does not appear to contribute to the potential Roeding Park Historic District.



View of King Arthur's Castle (Page & Turnbull, 11/2008).

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 5 *Resource Name or # (Assigned by recorder) Rotary Storyland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of Old Lady's Shoe (Page & Turnbull, 11/2008).



View of Restrooms (Page & Turnbull, 11/2008)

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 4 of 5 *Resource Name or # (Assigned by recorder) Rotary Storyland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of Three Little Pigs sculpture (Page & Turnbull, 11/2008).



View of Little Miss Muffet sculpture and signage (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 5 of 5 *Resource Name or # (Assigned by recorder) Rotary Storyland
 *Recorded by: Page & Turnbull *Date 12/18/2008 ☒ Continuation ☐ Update



View of Gingerbread Man Bdge (Page & Turnbull, 11/2008).



View of typical paths and fences in Storyland (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____	Date _____

Page 1 of 2. *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Hippo Exhibit

P1. Other Identifier: Roeding Park Zoo

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1958 and remodeled in 1964, the former Hippo Exhibit is located in the southwest corner of the Zoo; it was originally designed to house a hippopotamus, but is currently vacant. The exhibit consists of a grassy lawn and vertical log fence, behind which a service area containing a roughly round shaped concrete wading pool is located. The pool is surrounded by a concrete block wall, and features shallow concrete steps and bamboo trees surround the uncovered enclosure. The Hippo Exhibit has been severely altered from its original appearance and is in poor condition. The Hippo Exhibit and does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of former Hippo Exhibit
11/2008

*P5. Date Constructed/Age and Sources: ☒ Historic
1958
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/19/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET		Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2. *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Hippo Exhibit

*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Partial view of oval pool in Hippo Exhibit (Page & Turnbull, 11/2008).



View of service area behind Hippo Exhibit (Page & Turnbull, 11/2008)

DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_1.pdf - Continued

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 3. *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Rhino Exhibit

P1. Other Identifier: Roeding Park Zoo

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Fresno North Date: 1981

*c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728

d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)

e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 146-acre public park owned by the City of Fresno. Built in 1963, the Rhino Exhibit is located near the southwestern corner of the Zoo, and contains a small building and enclosure that lack architectural distinction. The exhibit was originally designed to hold a rhinoceros, and now holds tigers. The dirt enclosure is roughly rectangular in plan and features irregular sculpted stucco walls and a central pond. A service entrance with a bamboo gate is located at the south end of the enclosure, and a low concrete wall separates the area from the path. A small building is located in the northwest corner of the exhibit, and is used for maintenance of the space and care of the animals. The building is irregular in plan, clad in stucco to match the walls of the enclosure, and capped by flat roof. A large overhang extends from the building, and appears to be supported by metal posts. A bronze plaque with a concrete base is located at the east edge of the exhibit; the plaque includes information about the exhibit donor and dates from the exhibit's original construction. The plaque is obscured by a modern wood interpretive sign. The Rhino Exhibit appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Photo: (view and date)
View of Rhino Exhibit
11/2008

*P6. Date Constructed/Age and Sources: ☒ Historic
1963
Jean Chaffee Files

*P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721

*P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108

*P9. Date Recorded:
12/19/2008

*P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required Information

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 3. *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Rhino Exhibit

*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



View of service entrance at south end of Rhino Exhibit (Page & Turnbull, 11/2008).



Detail of bronze plaque (Page & Turnbull, 11/2008)

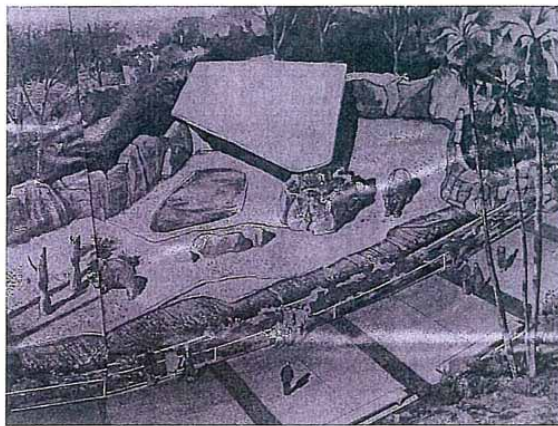
DPR 523A (1/95)

*Required Information

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 3 of 3 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Rhino Exhibit
 *Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Sketch of Rhino Exhibit, circa 1962 (Fresno Zoo Archives)

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____
Other Listings _____ Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource name(s) or number (assigned by recorder) Fresno Chaffee Zoo: Fennec Fox Cage
 P1. Other Identifier: Roeding Park Zoo
 *P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Fresno
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad: Fresno North Date: 1981
 *c. Address: Roeding Park, 890 Belmont Ave. City: Fresno Zip: 93728
 d. UTM: Zone: 10 mE/ _____ mN (G.P.S.)
 e. Other Locational Data: Assessor's Parcel Number (Map, Block, Lot): 45002008T
 *P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
 The Fresno Chaffee Zoo (historically known as the Roeding Park Zoo) is an 18-acre site situated in the center of Roeding Park, a 148-acre public park owned by the City of Fresno. Built in 1964, the Fennec Fox Cage is located near the northern edge of the Zoo, and is a small wooden shed that lacks architectural distinction. The cage was designed to hold Fennec foxes, which are small, nocturnal desert foxes. The building is rectangular in plan, clad in vertical log siding, and capped by a corrugated metal shed roof. The primary facade faces south onto the path and is open, with a wire screen to allow visitors to view the foxes. The east and west walls are of solid construction with vertical logs. The rear half of the cage is open, with only exposed rafters and no covered roof. A wood fence separates the Fennec Fox Cage from the path, and the area is planted with yucca and other succulents. The Fennec Fox Cage appears to be in good condition, but does not appear to contribute to the potential Roeding Park Historic District.

*P3b. Resource Attributes: (list attributes and codes) HP25. Amusement Park
 *P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



*P5b. Photo: (view and date)
View of Fennec Fox Cage
11/2008
 *P6. Date Constructed/Age and Sources: ☒ Historic
1964
Jean Chaffee files.
 *P7. Owner and Address:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
 *P8. Recorded by:
Page & Turnbull, Inc. (RF/GH)
724 Pine Street
San Francisco, CA 94108
 *P9. Date Recorded:
12/19/2008
 *P10. Survey Type:
Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none") Roeding Park Historic Resource Assessment
 *Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

DPR 523A (1/95)

*Required information

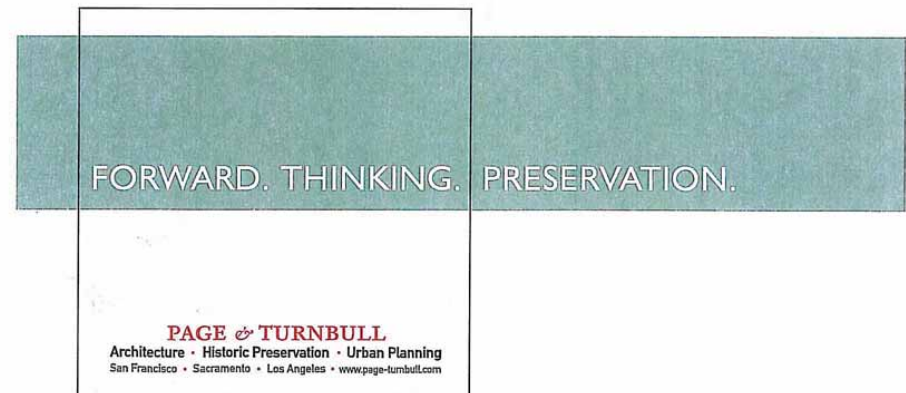
Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_1.pdf - Continued

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____ HRI # _____ Trinomial _____
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Page 2 of 2 *Resource Name or # (Assigned by recorder) Fresno Chaffee Zoo: Fennec Fox Cage
*Recorded by: Page & Turnbull *Date 12/19/2008 ☒ Continuation ☐ Update



Fennec Fox Wikipedia, <http://en.wikipedia.org/wiki/FennecFox>, accessed 12/2008)



Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_2.pdf

Fresno Chaffee Zoo

**Comments on Draft EIR/EIS
California High Speed Rail: Merced to Fresno**

**Exhibit "D"
Part 1 of 2**



CEQA Evaluation
Final

Roeding Park
890-894 West Belmont Avenue
Fresno, California

November 3, 2009

Prepared for
City of Fresno
Fresno, CA

Prepared by
PAGE & TURNBULL, INC.
724 Pine Street, San Francisco, California 94108
415.362.5154 / www.page-turnbull.com

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones
Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAFinal_2.pdf - Continued

CEQA Evaluation
Final

Roeding Park
Fresno, California

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November 3, 2009

Page 2 Turnbull, Inc.
Page 1/33

CEQA Evaluation
Final

Roeding Park
Fresno, California

I. EVALUATION OF PROJECT-SPECIFIC IMPACTS UNDER CEQA

This report analyzes the project-specific impacts of the Roeding Regional Park and Fresno Chaffee Zoo Master Plans Project (revised June, 2009, and hereafter referred to as Master Plans Project) on any historic or cultural resources present on the project site, as required by California Environmental Quality Act (CEQA). This analysis includes: a brief description of the proposed Master Plans Project, an analysis of project-specific impacts of the Master Plans Project on qualified historic resources in the vicinity (here defined as a historic district), and an analysis of potential cumulative impacts on the historic district caused by the Master Plans Project. Also included are mitigation measures that would need to be adopted in order to minimize the identified impacts caused by the Master Plans Project to a less than significant level. In some cases, additional, optional mitigation measures are recommended for additional historic district protection, beyond those necessary to reduce the impact to a level of less than significance.

A. Background

The following is a summary of the history and development of Roeding Park. For more detailed information about the history and significance of Roeding Park, please see the historic context section of the Historic Resource Assessment in the Appendix of this report.

Historic Context Summary: Development of Roeding Park (1897 to Present)

The Roeding family made a significant contribution to the early development of the San Joaquin Valley. Frederick C. Roeding was an early California pioneer and established the San Joaquin Valley Land Association with a group of German businessmen in 1868. This group purchased 80,000 acres of land between the San Joaquin and Kings Rivers in Fresno county, making Roeding and his colleagues influential land holders in the valley. Roeding established the Fancher Creek Nursery on his share of the land in 1883.¹

In 1903, under Fresno's first mayor, L.O. Stephens, and Frederick Roeding and his wife Marianne donated a 71.76 acre parcel of land to the City of Fresno, "for the purpose of laying out, construction, cultivating, maintaining and improving, as a public park or boulevard for said City of Fresno."² This land was part of Roeding's former San Joaquin Valley Land Association land holdings

¹ Wanda Podgorski Russell, "Roeding Park: A Community Center" *Fresno Past and Present* (Spring 1984): 2.

² Roeding Park deed, May 2, 1903.

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and was called Roeding's Villa Colony. Landscape architect Johannes Reimers was retained in September of 1903 to provide specifications and drawings for the design of Roeding Park.³

By 1907, the park was described as having numerous eucalyptus and acacia trees, as well as pine, elm, maple, umbrella, citrus, and palm trees, and a variety of shrubs. The park featured four main picnic groves (Umbrella, Eucalyptus, Maple and Pine), ponds, walks and drives lined with flowering shrubs, a forested area, and an area to the north reserved for cultivation and experimentation of new plant species that would then be introduced into the park.

In 1908, recognizing that the original gift of 71.76 acres was not adequate for the execution of Reimers' and Roeding's plans, the Roeding family donated an additional 46.64 acres to the City of Fresno to incorporate into the existing park.⁴ The Roeding Park Zoo was established in 1908 as an informal menagerie with the donation of two bears and approximately fifty birds by a local citizen.⁵ The zoo quickly became a popular attraction in the park and accepted an increasing number of animals each year, which led to the construction of cages and animal enclosures as the need for more permanent facilities arose.

Frederick C. Roeding died in 1910 and George C. Roeding assumed his father's role as director of the public park project and continued cultivation of the trees and landscape for which the park became known. George Roeding was responsible for the great number and variety of trees planted in the park, and employed his skills as a nurseryman to cultivate the early vegetation of the park.

The framework for the park created by the Roeding family and landscape architect Johannes Reimers was reconfigured in subsequent periods by the City of Fresno to meet the ever-changing needs of the public and their desire for a park with many attractions. As the park evolved over time, physical improvements were made to accommodate recreational uses. The establishment of electric streetcar service to the park in 1912 provided much needed public access to the park and marked the importance of the park as an asset to the City and the desire for all classes of citizens to access and utilize the park. Other physical improvements were made over time, such as the widening of many roads, creation of more pedestrian pathways, the addition of concrete benches, rustic bridges over

³ Russell, "Roeding Park: A Community Center," 3.

⁴ Roeding Park deed, April 7, 1908.

⁵ "Roeding Park Zoo Is Classed Among Best in Country" *Fresno Bee* (November 11, 1936).

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the ponds, and the addition of tennis courts between 1913 and 1915.⁶ A children's playground was developed within the Umbrella Grove sometime in the 1920s. Physical improvements were made in the early 1920s to give the zoo a more permanent presence within the park.⁷

In 1921, the City purchased 40 acres at the southwest portion of the park from the Roeding family to expand the park's total size to 148 acres. Mr. and Mrs. A.V. Lisenby donated a bandstand to the park in 1923, which was one of the first permanent buildings in the park.⁸ Located to the northeast of the zoo, the bandstand became a center of community activity and hosted weekly concerts by the Fresno Military Band, Fresno Concert Band and others.

In 1923, George C. Roeding resigned from the City Parks Commission, marking the beginning of the shift from the early period of park development under the influence of the Roeding family to a new period of City-initiated development of the park, under which most of the "built" features and monuments were added to the landscape.

The City purchased another forty acres from the Roeding family in 1924 to extend the park to the northwest. Nurseryman P.M. Rasmussen was hired around this time and took leadership in improving the health of the park's abundant trees and other vegetation. George Roeding died in 1928, and a stone memorial was dedicated to the park in memory of George Roeding in 1929 (called the George C. Roeding Monument).

Park development continued slowly through the Great Depression of 1929, and around this time the City first began to focus on making the park a recreational destination for the middle class. By 1936, several Works Progress Administration (WPA) projects were completed in the park as part of the large national effort to create jobs after the 1929 Depression. The most prominent of these WPA projects was construction of Lake Washington at the southeast corner of the park.⁹ A 1936 newspaper article boasted that by this time the Roeding Park Zoo was one of the best in the country.¹⁰

⁶ "Much Work Done at Roeding Park" *Fresno Morning Republican* (December 21, 1913).

⁷ "Roeding Park Zoo" *Fresno Magazine* vol.4 (2) (September 29, 1976): 22.

⁸ City of Fresno Building Permit, bandstand, August 15, 1922.

⁹ Charles W. Clough, et al. "Fresno County in the 20th Century: From 1900 to the 1980s" volume 2 (Fresno, CA: Panorama West Books, 1986): 452.

¹⁰ "Roeding Park Zoo Is Classed Among Best in Country" *Fresno Bee* (November 11, 1936).

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This period saw many physical improvements to the infrastructure and features of the park and zoo, the dedication of several monuments to local and national leaders, and significant alterations and additions to the park landscape. Despite these improvements, in the early 1930s, rural streetcar lines to the north of Fresno (including the line servicing Roeding Park) began to suffer due to light passenger loads. Subsequently, electric streetcar service in the city stopped in 1939.¹¹ The cancellation of streetcar service to Roeding Park marked the end of the park's early period of rapid growth and a shift in focus from expansion to improvement of existing park land, which included developing the zoo as a more prominent attraction within the park.

In 1948, the City made major improvements to Roeding Park and employed an architect to redesign the Roeding Park Zoo. Proposed improvements to the zoo totaled over \$20,000 and included a new monkey house, new barn for feed storage, and paddocks for larger animals. Improvements were also made to the park at this time including a new water main system, lighting of the picnic groves, new lavatories, and storage shed.

By the end of the 1940s, the Roeding Park Zoo began to move away from cage enclosures and towards the construction of exhibits that created a much more open and natural setting within the existing zoo. In 1949, the Fresno Zoological Society was founded as an organization to support the Roeding Park Zoo and for the purpose of raising funds for the acquisition of animals for the zoo's collection. The construction of the Elephant House in 1949 marked a significant milestone in the evolution of the zoo, enabling the acquisition of its first large mammal, Nosey the Elephant.

Several major physical changes were made to Roeding Park after 1954, that resulted in the establishment and development of three distinct attractions within the park: the Roeding Park Zoo, Playland and Storyland. This period marks a transition in focus from creating a park-wide pleasure ground for scenic enjoyment, to enhancing the entertainment aspect of individual areas of the park. As a result of these changes, the Roeding Park Zoo established itself during this period as the main attraction within Roeding Park, in many ways overshadowing the park itself as a destination. This shift in focus is the reason that the Roeding Park Historic District's period of significance ends in 1953.

The most significant change during this period was the alteration of the park's western boundary as a result of the State Highway 99 project. In 1954, a 5.26-acre parcel at the southwest corner of the park

¹¹ Clough, 452

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was taken for construction of State Highway 99. In exchange, a 5.64-acre parcel at the northwest corner of the park was given to the City and incorporated into the park. A Memorial Rose Garden was planted on the new land acquired.¹² The highway project also resulted in the loss of a portion of Lake Washington, which was reconfigured into its current shape.

In 1955, Rotary Playland was constructed in the southwest corner of the park just southeast of Lake Washington. Playland was designed as an amusement facility for children, similar to other kiddie lands constructed in the United States and California during this period. Storyland was constructed in the southwest corner of the park in 1962, over the former site of the Japanese Tea Garden. Storyland was modeled after Oakland's Children's Fairyland.

Many significant changes were made to the Roeding Park Zoo during this period that propelled it in status as one of the three best zoos in California (along with the San Francisco and San Diego Zoos). This period saw the addition of the first moated exhibits, which encouraged a more natural zoo environment that was a departure from the earlier use of cages and fences. By 1959, the zoo was almost double its original size at approximately eleven acres.

In 1965, Dr. Paul Chaffee was named the zoo's first director and all management responsibilities associated with the zoo shifted from the Fresno Zoological Society to the director. During the period from 1971 to 1989, the zoo continued to be the main park attraction and several master plans were drafted for the zoo and updated as the needs and goals of the facility changed. Between 1968 and 1972 the "Zoo Master" was drafted, which was a new phased master plan that was commissioned because the zoo had reached maximum development within its existing boundaries. The Zoo Master outlined future development of the zoo and was completed by Elso B. DiLuck. The Zoo Master included plans to expand the zoo approximately eight acres along its south and west sides over a period of twenty years.¹³

Although the focus during this period was on the zoo, there were a few major improvements within Roeding Park as well. In 1974, "a perimeter roadway constituting the main drive through Roeding Park was constructed with Federal Revenue Sharing Funds" and all underground utilities were installed as part of the expansion of the zoo outlined in the 1968 Zoo Master.¹⁴ In 1990, the zoo was

¹² Clough, 450, 452.

¹³ "Council Okays Zoo Plan" Unidentified article (1972).

¹⁴ "Roeding Park Zoo" *Fresno Magazine* vol.4 (2) (September 29, 1976): 27.

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renamed again as the Chaffee Zoological Gardens, in recognition of Dr. Paul Chaffee's long and influential association with the zoo up until his death in 1990.

The City of Fresno presented \$50,000 to Rotary Playland to repair the facility in 2000. Wear and tear had closed eight of the eleven rides and these funds were necessary to continue operation of Playland.¹⁵

In 2004, Ballot Measure Z was passed and provided 100 to 200 million dollars over 10 years for capital improvements, operations and maintenance of the zoo. In 2006, the private non-profit Fresno Chaffee Zoo Corporation took over operation of the zoo from the City. The name of the zoo was changed to the Fresno Chaffee Zoo in 2006 to reflect this change. The Zoological Society was disbanded at this time. The Fresno Chaffee Zoo Corporation and City of Fresno began development of the Roeding Park and Fresno Chaffee Zoo Master Plans in 2006 to utilize the Measure Z funding over the next ten years and is the plan under which the zoo and park is currently operating.

Project Background

Page & Turnbull was hired by the City of Fresno in 2008 to provide historic preservation consultation services for the Roeding Park project. These services included evaluation of the historic significance of Roeding Park and review of the Roeding Park and Fresno Chaffee Zoo Master Plans according to the California Environmental Quality Act (CEQA). Page & Turnbull completed a draft Historic Resource Assessment (draft HRA) based on a site visit and research conducted in October 2008. The draft HRA (dated December 31, 2008) detailed the eligibility of Roeding Park for local, state, and national historic registers. Upon completion of the draft HRA, consultation meetings were held between representatives from the Fresno Chaffee Zoo design team, the City of Fresno, and Page & Turnbull. During these meetings, Page & Turnbull provided preliminary recommendations on the appropriate treatment of the historic district as per CEQA regulations and the Secretary of the Interior's Standards for the Treatment of Historic Properties. Potential impacts to the historic district were discussed and identified. Based upon the consensus of all parties at the consultation meetings, the Zoo design team and City made changes to the original master plans (dated February 15, 2008) to more appropriately address contributing features on the site and to address feedback on related issues from stakeholders and technical consultants. The Zoo design team published the revised Roeding Park and Fresno Chaffee Zoo Master Plans (dated June 2009) on July 1, 2009. The revised master plans incorporated many of the recommendations provided by Page & Turnbull during the

¹⁵ "City Presents \$50,000 to Repair Playland" *Fresno Bee* (August 20, 2000).

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consultation meetings. Client comments were reconciled and research clarified Page & Turnbull's Final Historic Resource Assessment (Final HRA) dated July 31, 2009.¹⁶ Page & Turnbull's CEQA Evaluation is based upon the proposed project as outlined in the June 2009 revised master plans (see following page for a summary of the proposed project).

The analysis of project specific impacts in this report is based upon the revised master plans (dated June 2009). The analysis does not focus on impacts reconciled in the revised master plans and instead focuses on impacts that have not been fully addressed by the project redesign. The mitigation measures included in this analysis propose additional requirements where such requirements have not clearly been incorporated into the revised master plans. Many mitigation strategies have already been outlined in the master plan documents and should be followed to ensure preservation of contributing features of the Roeding Park Historic District wherever possible. In some cases, additional optional mitigation measures have been included to further reduce impacts or to ensure that impacts remain less-than-significant.

B. Master Plans Project Description

The Master Plans Project at Roeding Park would extensively renovate Roeding Park, the Fresno Chaffee Zoo, Rotary Playland, and Rotary Storyland and includes expansion of the zoo from 18 acres to 39 acres. The Master Plans Project is outlined in the Roeding Park and Fresno Chaffee Zoo Facility Master Plans, revised June 2009 (see Appendix for Illustrative Roeding Park Master Plan). The Master Plans Project would result in the demolition of seven contributing features, relocation of four contributing features, and preservation/rehabilitation of fourteen contributing features of an eligible historic district, as outlined in Page & Turnbull's Revised Final Historic Resource Assessment dated November 3, 2009 (see Appendix for the Historic District Boundary Map, which identifies the contributing features of the historic district).

Proposed shared infrastructure improvements include: the Golden State Boulevard entry gate; a new park boulevard; a parking hub; relocation of the park maintenance yard; construction of a new storm water storage facility; and installation of new water, sewer, gas and electricity services to the park. Proposed independent improvements to Roeding Park include: parking nodes and roadway improvements, perimeter fencing and landscaping, park plaza hub and show gardens, great lawn, new dog park, pedestrian promenade and hubs, and sculpture gardens.

¹⁶ Note: The Revised Final HRA, dated November 3, 2009, is included in the Appendix of this evaluation.

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Improvements proposed for the first phase of development of the Fresno Chaffee Zoo (through year 2015) include: expansion of the zoo from 18 to 39 acres (which includes absorption of three acres of the current City of Fresno Parks, Afterschool, Recreation, and Community Services (PARCS) Department Maintenance Yard and 18 acres of the greater park); and construction of new exhibits and amenities—the Grasslands Exhibit, Waterhole Café & Event Center, zoo operations and maintenance yard, Sea Lion Exhibit, Predators Exhibit, Children's Zone, and Diversity of Life Pavilion and Education Center. Improvements to the Fresno Chaffee Zoo proposed for the second phase of development (2015 to 2020) include construction of a new: zoo promenade, entry village and administration office, Asian panorama exhibit, and main event hub, and expansion of the Asian archipelago; rainforest aviaries and exhibit pavilion, and safari trail.

Proposed improvements to Rotary Playland include: a new Ferris wheel, a roller coaster, smaller rides and attractions, a new concession area, a picnic and event space, and an expanded train loop and train station.

Proposed improvements to Rotary Storyland include: a new mini-golf area, new exhibits and attraction zones, an expanded amphitheater, and a new entry gateway.

This report includes an evaluation of all improvements to be made to Roeding Park, the Fresno Chaffee Zoo, Rotary Storyland and Rotary Playland as part of the Measure Z-funded master plan projects through the year 2015, as well as improvements to the zoo through the year 2020.

C. Regulatory Setting

The following outlines the criteria for historic district determination, provides a summary of the national, state and local criteria for historic resource evaluation, and includes a discussion of how these criteria apply to Roeding Park. For more detailed information on the regulatory framework, please see the significance section of the Historic Resource Assessment in the Appendix of this report.

Historic District Determination

According to the National Park Service "a [historic] district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by

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plan or physical development."¹⁷ Historic districts are not collections of individually significant features; instead districts are made up of components which achieve significance when grouped together. Districts must work together to tell the story of their significance and must have distinguishable boundaries. Boundaries of a historic district are frequently defined by use (i.e. theater district), connection to an event (i.e. commercial district), or architectural style (i.e. Craftsman Bungalow district). Roeding Park is significant as a historic district because it is a single site that includes a significant concentration of buildings, structures, and objects.

Historic districts include both contributing and non-contributing features, and not all resources need to be of the same historical or architectural quality. Contributing features include those features that were constructed within the period of significance, contribute to the historic character of the Roeding Park Historic District, and retain sufficient historic integrity to convey the property's significance. Non-contributing features include those features that were either constructed after the end date of the period of significance (1953), do not contribute to the historic character of the property, and/or are historic features that do not retain sufficient historic integrity to convey their significance. For the purposes of evaluation under CEQA, the historic resource is the Roeding Park Historic District (historic district), which includes twenty-five contributing features and twenty-two non-contributing features.

The Roeding Park Historic District possesses many characteristics that define the resource as a cultural landscape. According to National Park Service definitions, a property's combined character as a cultural landscape and historic district should not be separated when considering a property's historical significance, integrity, and potential for listing in the National Register of Historic Places.¹⁸ The following landscape characteristics were identified for the property and define the overall character of the historic district: natural systems and features, spatial organization, circulation, topography, vegetation, buildings and structures, and small-scale features. Character-defining cultural landscape characteristics for the Roeding Park Historic District include: its organization of a series of open spaces made accessible via vehicular and pedestrian circulation systems, and accentuated by buildings, structures, vegetation and small-scale features, which frame the overall historic character of

¹⁷ National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, (Washington, D.C.: U.S. Department of the Interior, Rev. 1997): 5.

¹⁸ Robert R. Page, *A Guide to Cultural Landscape Reports: Contents, Process, and Techniques* (Washington, D.C.: U.S. Department of the Interior, National Park Service, 1998): 9.

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the property. These characteristics were designed in response to the site's topographical conditions, natural systems and features, and program concerns.

National Register of Historic Places

The National Register of Historic Places is the nation's most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, resources over fifty years of age are eligible for listing in the National Register if they meet any one of the four criteria of significance and if they sufficiently retain historic integrity. However, resources under fifty years of age can be determined eligible if it can be demonstrated that they are of "exceptional importance," or if they are contributors to a potential historic district. National Register criteria are defined in depth in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*. There are four basic criteria under which a structure, site, building, district, or object can be considered eligible for listing in the National Register. These criteria are:

- *Criterion A (Event)*: Properties associated with events that have made a significant contribution to the broad patterns of our history;
- *Criterion B (Person)*: Properties associated with the lives of persons significant in our past;
- *Criterion C (Design/Construction)*: Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components lack individual distinction; and
- *Criterion D (Information Potential)*: Properties that have yielded, or may be likely to yield, information important in prehistory or history.

A resource can be considered significant on a national, state, or local level to American history, architecture, archaeology, engineering, and culture.

The Roeding Park Historic District is eligible for listing in the National Register of Historic Places under Criterion A in the area of community planning and development due to its association with the pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century. The Roeding Park Historic District is also eligible under

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National Register Criterion C (Design/Construction) in the area of entertainment/recreation as a resource that embodies the distinctive characteristics of a type and period—the design of early twentieth century municipal parks—and as a property that represents a significant and distinguishable entity whose components may lack individual distinction.

California Register of Historical Resources

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register.¹⁹ Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

In order for a property to be eligible for listing in the California Register, it must be found significant under one or more of the following criteria:

- *Criterion 1 (Events)*: Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- *Criterion 2 (Persons)*: Resources that are associated with the lives of persons important to local, California, or national history.
- *Criterion 3 (Architecture)*: Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.
- *Criterion 4 (Information Potential)*: Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

¹⁹ As described above, since this report finds Roeding Park to be eligible for listing in the National Register of Historic Places, the property is automatically eligible for listing in the California Register of Historical Resources. For the purpose of clarity, the detailed analysis is provided under the National Register and summarized under the California Register to show which criteria are applicable. Eligibility is also summarized under the local criteria below.

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According to the California Office of Historic Preservation, historic resources are automatically listed in the California Register of Historical Resources if they have been formally determined eligible for the National Register of Historic Places.²⁰ Roeding Park has not been previously evaluated for eligibility for listing in the National Register of Historic Places or the California Register of Historical Resources.

Page & Turnbull's Final HRA found the Roeding Park Historic District to be eligible for listing in the California Register of Historical Resources under Criterion 1, and Criterion 3. This determination was made through survey evaluation.

City of Fresno Local Register of Historic Resources

The City of Fresno maintains a Local Register of Historic Resources (Local Register), which includes buildings, structures, objects, sites and districts that have sufficient integrity and are significant in Fresno's history.²¹ The evaluative criteria used by the Fresno Local Register for determining eligibility are generally based on those developed by the National Park Service for the National Register of Historic Places.

- *Criterion 1:* It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural heritage, or;
- *Criterion 2:* It is identified with a person or group that contributed significantly to the culture and development of the city, or;
- *Criterion 3:* It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or;
- *Criterion 4:* Structures within the area exemplify a particular architectural style or way of life important to the city, or;
- *Criterion 5:* The area is related to a designated historic resource or district in such a way that its preservation is essential to the integrity of the designated resource or Local Historic District, or;

²⁰ California Office of Historic Preservation, *Technical Assistance Series No. 10, California State Laws and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding Historic Preservation and the Protection of Cultural and Historical Resources* (Sacramento, CA: California Office of State Publishing, 13 August 2002), 67.

²¹ Enns-Rempel, Kevin, "A Guide to Historic Architecture in Fresno, California" – Local Register of Historic Resources, <http://www.historicfresno.org/lrh/index.htm>, accessed June 14, 2007.

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- *Criterion 6:* The area has potential for yielding information of archaeological interest.

The Roeding Park Historic District is eligible for the Fresno Local Register under Criterion 1 and 3 as discussed under the National and California Registers above. The district is also eligible under Criterion 2 for its association with George C. Roeding and the Roeding family—who made significant contributions to the culture and development of Fresno in the early twentieth century.

Period of Significance

The period of significance for the historic district begins in 1903, when construction first began on the park, and ends in 1953, when the development focus shifted from the park as a whole to attraction-specific development of the Roeding Park Zoo and other amusement areas within the park. The insertion of State Highway 99 at the western boundary of the park in 1954 marked a physical transition away from the picturesque period of the park's original design and development. After 1953, the zoo became the main attraction within Roeding Park and was classified as one of the three best zoos in California (along with the San Francisco and San Diego Zoos). Within the established period of significance, the most pronounced periods of development occurred from 1903 to 1923, 1924 to 1939, and 1940 to 1953.

Integrity

The process of determining integrity is similar for both the California Register and the National Register. The same seven variables or aspects that define integrity—location, design, setting, materials, workmanship, feeling and association—are used to evaluate a resource's eligibility for listing in the California Register and the National Register. According to the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, these seven characteristics are defined as follows:

- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- *Materials* refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.

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- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history.
- *Feeling* is the property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

Once a resource is identified as potentially eligible for listing in the National Register its historic integrity must be evaluated. In order to be determined eligible for listing, the integrity characteristics must support the resource's significance and must be intact. The Roeding Park Historic District retains integrity of location, design, setting, materials, workmanship, feeling and association as described below.

Historical records, including local newspaper articles, building permits, and park archives, indicate that there were several alterations to the individual contributing features of the Roeding Park Historic District during the period of significance from 1903 to 1953, as well as subsequent alterations to many of these features after the end of the period of significance. Overall, alterations to the individual contributing features of the historic district have not affected the ability of the historic district to convey its integrity of design, materials and workmanship.

The park layout has been slightly reconfigured throughout its history as a result of an accumulation of improvements and changes that took place over time as the park was adapted to accommodate recreational uses, vehicle access and contemporary user needs. For example, roads were widened and re-routed as the zoo and other areas of the park expanded and changed, and features were added and subtracted as the desire for monuments, structures and other park features were realized. Despite these incremental changes, the overall character of the park's natural systems and features, spatial organization, circulation, topography, vegetation, buildings and structures, and small-scale features has remained intact since the period of significance; and therefore, the property retains integrity of location, design, setting, materials, workmanship, association and feeling. As a whole the Roeding Park Historic District retains sufficient historic integrity to convey its significance throughout the entire period of significance from 1903 to 1953.

D. California Environmental Quality Act

The California Environment Quality Act (CEQA) is state legislation (Pub. Res. Code §21000 et seq.), which provides for the development and maintenance of a high quality environment for the present-

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day and future through the identification of significant environmental effects.²² For public agencies, the main goals of CEQA are to:

1. Identify the significant environmental effects of projects; and either
2. Avoid those significant environmental effects, where feasible; or
3. Mitigate those significant environmental effects, where feasible.

CEQA applies to "projects" proposed to be undertaken or requiring approval from state or local government agencies. "Projects" are defined as "...activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps."²³ Historic and cultural resources are considered to be part of the environment. In general, the lead agency must complete the environmental review process as required by CEQA. The basic steps are:

- 1) Determine if the activity is a "project;"
- 2) Determine if the project is exempt from CEQA;
- 3) Perform an Initial Study to identify the environmental impacts of the Project and determine whether the identified impacts are "significant." Based on the finding of significant impacts, the lead agency may prepare one of the following documents:
 - a) Negative Declaration for findings of no "significant" impacts;
 - b) Mitigated Negative Declaration for findings of "significant" impacts that may revise the Project to avoid or mitigate those "significant" impacts;
 - c) Environmental Impact Report (EIR) for findings of "significant" impacts.

For the Master Plans Project at Roeding Park, the City of Fresno is the lead agency of the Program Environmental Impact Report (Program EIR). This CEQA evaluation report will be utilized as a technical report in support of the Program EIR for the Master Plans Project. Below is a flow chart outlining the typical process as defined by CEQA.

²² State of California, California Environmental Quality Act, http://ceres.ca.gov/topic/env_law/ceqa/summary.html, accessed 31 August 2007.
²³ Ibid.

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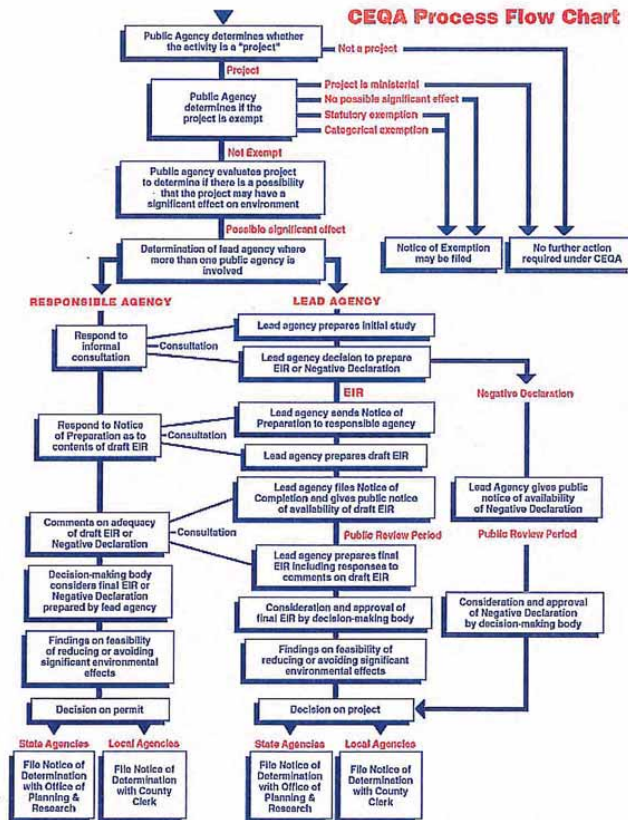


Figure 1. CEQA Process Flow Chart (Source: State of California, California Environmental Quality Act <http://cees.ca.gov/topic/env_jaw/ceqa/flowchart/index.html>)

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E. Status of Existing Site as a Historic Resource under CEQA

In completing an analysis of a project under CEQA, it must first be determined if the project site possesses a historic resource. A site may qualify as a historic resource if it falls within at least one of four categories listed in CEQA Guidelines Section 15064.5(a). The four categories are:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(h) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Pub. Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Pub. Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Pub. Resources Code sections 5020.1(j) or 5024.1.

A lead agency must consider a resource that has been listed in, or determined to be eligible for listing in the California Register (Category I) as an historical resource for CEQA purposes. In general, a resource that meets any of the other three criteria listed in CEQA Guidelines Section 15064.5(a) is also considered to be a historical resource unless "the preponderance of evidence demonstrates" that the resource is not historically or culturally significant."²⁴

According to the evaluation provided in Page & Turnbull's Revised Final Roeding Park Historic Resource Assessment," dated November 3, 2009, Roeding Park possesses sufficient historic

²⁴ Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.

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significance to qualify it as a historic district for the California Register of Historical Resources (California Register), and therefore, the property is considered a historic resource under CEQA. The Roeding Park Historic District is eligible for listing in the California Register under Criterion 1 (Event) in the area of community planning and development for its association with the pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century. The Roeding Park Historic District is also eligible for listing in the California Register under Criterion 3 (Design/Construction) in the area of entertainment/recreation as a resource that embodies the distinctive characteristics of a type and period—early twentieth century municipal parks in California—and as a property that represents a significant and distinguishable entity whose components may lack individual distinction. Contributing features of the Roeding Park Historic District include: four ponds, seven picnic groves, a Pergola, a Street Car Shelter, historic concrete benches, tennis courts, the Zookeeper's House, the Lisenby Bandstand, four monuments, the Fresno Chaffee Zoo Administration Office, Lake Washington, two folk dance platforms, and the overall spatial organization and site plan of the park, historic roads and paths, lawns, and associated landscape features.

F. Determination of Significant Adverse Change under CEQA

According to CEQA, a "project with an effect that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment."²⁵ Substantial adverse change is defined as: "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired."²⁶ The significance of a historic resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of a historic resource that convey its historical significance" and that justify its inclusion in, or eligibility for inclusion in, the California Register, or account for its inclusion in a local register.²⁷ For example, removal of a historic structure from a historic district, even if the structure itself is not individually historically significant, can constitute a "substantial adverse change" for CEQA purposes.²⁸ However, a project may cause a substantial change in a historic resource but still not have a significant adverse effect on the environment as defined by CEQA as long as the

²⁵ CEQA Guidelines subsection 15064.5(b).

²⁶ CEQA Guidelines subsection 15064.5(b)(1).

²⁷ CEQA Guidelines subsection 15064.5(b)(2).

²⁸ See Governor's Office of Planning and Research, *CEQA & Historical Resources*, May 1996 (available at <http://ceres.ca.gov/ceqa/more/tas/page1.html#introduction>).

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impact on the historic resource is determined to be less-than-significant, negligible, neutral or even beneficial.

The following provides a project-specific and cumulative impacts analysis of the Master Plans Project, in order to determine if the project will cause a substantial adverse change to a historic resource.

G. Analysis of Project-Specific Impacts under CEQA and Mitigation Measures²⁹

Roeding Park is considered to be a historic resource under CEQA, and therefore, the Master Plans Project must be evaluated for potential impacts on the site. The Master Plans Project includes the demolition and/or relocation of some contributing features of the Roeding Park Historic District, as well as the introduction of new construction within the boundaries of the historic district. This section analyzes the project-specific impacts of the Master Plans Project on the historic resource (which is defined as the entire Roeding Park Historic District) and specifies required and optional mitigation measures that should be incorporated to reduce the potential impacts on the historic district to less-than-significant. Many mitigation strategies have already been outlined in the master plan documents and should be followed to ensure preservation of contributing features of the Roeding Park Historic District wherever possible.

IMPACT 1.0

The Master Plans Project would result in the demolition of six contributing landscape features of the Roeding Park Historic District (Less-Than-Significant with Mitigation).

Analysis of Impact

The Roeding Park Historic District is comprised of 47 age-eligible features (25 contributing and 22 non-contributing features) and landscape characteristics that define the overall setting of the historic district. As outlined in the "Illustrative Roeding Park Facility Master Plan, Revised June 2009" (see Appendix), six contributing landscape features of the Roeding Park Historic District are planned for demolition as part of the Master Plans Project. Contributing landscape features planned for demolition include ponds A, B, C, and D, the Umbrella Grove, and Palm Point Grove. For detailed descriptions and further information about the park's features, see Page & Turnbull's Revised Final "Roeding Park Historic Resource Assessment" dated November 3, 2009.

²⁹ For the purposes of this report, the historic resource under CEQA is the Roeding Park Historic District.

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The demolition of the Umbrella and Palm Point Groves will result in the removal of contributing historic landscape features within the historic district and will diminish the network of seven historic picnic groves within the park. The Umbrella Grove is one of the original four picnic groves constructed in the park in 1907. The Palm Point Grove was constructed in circa 1946, at the beginning of a campaign that added three additional picnic groves to the park. Together, these important historic features create a network of picnic groves throughout the park, which contribute to the park's historic character as a vegetated pleasure ground. The picnic groves also provide much needed shade in the hot summer climate and contribute to the bucolic character of the park's landscape. Although the Master Plans Project includes the demolition of two historic picnic groves, the other five historic groves will be preserved, including three groves constructed in 1907 and two constructed in the late 1940s. Several trees from the Umbrella and Palm Point groves will be relocated to other areas of the park, and overall the network of historic picnic groves will still be present upon completion of the Master Plans Project. With the incorporation of the design revision, the demolition of the Umbrella and Palm Point Groves would not adversely affect the overall ability of the historic district to convey its significance nor would it affect the district's eligibility for listing in the California Register of Historical Resources.

The demolition of the ponds will eliminate contributing landscape features and affect the historic character of the southeastern edge of the historic district. The ponds have been an important part of the park due to their highly visible location near the Belmont Avenue boundary of the park and the open space they provide. The southeastern portion of the park where the ponds are located has a unique character within the historic district, where the mature tree canopy and water features create a comfortable setting for picnicking. The curvilinear design of the ponds, the location of these features along the perimeter of the park, the relationship of the ponds to the surrounding mature tree canopy, and the quiet and comfortable setting associated with the ponds make them unique and prominent historic landscape features within the park. The expansion of the zoo will alter the open and quiet setting and character of the southeastern edge of the park, and result in the loss of a contributing feature of the site. Thus, the demolition is considered to be a significant adverse impact, since it would materially alter in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the federal, state, and local registers.

The Roeding Park Historic District is significant for its association with a pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century, and as a resource that embodies distinctive characteristics of the design of early twentieth

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century municipal park design. Overall, the demolition of ponds A, B, C, D will adversely affect the overall ability of the historic district to convey its significance by eliminating a major historic recreational use within the historic district, and will affect the district's eligibility for listing in the California Register of Historical Resources. The Master Plans Project proposes construction of two ponds of similar character near the new Golden State Boulevard Entry Gate. In order to avoid the impact to the historic district, the new ponds will need to preserve the characteristics of the existing ponds; accordingly, Mitigation Measure 1.0 should be followed.

Mitigation Measure 1.0 — Maintain public recreational uses associated with the ponds.

The historic character of the ponds includes a mature tree canopy, ample lawn area surrounding the ponds for picnicking, the meandering and irregular shape of the ponds, configuration of the ponds in a group of interrelated pools connected by footbridges, and location of the ponds in a visible and accessible area of the park. In order to ensure that the significant characteristics of the ponds in the southeastern edge of the park are preserved, these uses shall be relocated near the Golden State Boulevard entry to the park, such that the ponds are at least as visible and as accessible as they are in their current location. Vegetation shall be installed around the ponds to recreate the existing character of the ponds, including lawn area for picnicking, and a mature tree canopy. By recreating both the historic character and use of the ponds in another visible, easily accessible area of the park, the public benefit associated with the historic use of these features will be maintained and the impact to the historic district will be avoided.

IMPACT 2.0

The Master Plans Project would result in the demolition of one contributing architectural feature of the Roeding Park Historic District (Less-Than-Significant With Mitigation).

Analysis of Impact

The Roeding Park Historic District is comprised of 47 age-eligible features (25 contributing and 22 non-contributing) and landscape characteristics that define the overall setting of the historic district. The Roeding Park Historic District is significant for its association with a pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century, and as a resource that embodies distinctive characteristics of the design of early twentieth century municipal parks in California. As outlined in the "Illustrative Roeding Park Facility Master Plan, Revised June 2009" (see Appendix), the Fresno Chaffee Zoo Administration Office, which is a contributing building, is planned for demolition as part of the Master Plans Project to accommodate the zoo expansion in the present location of the building.

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The Administration Office is a contributing feature of the historical district and is one of only a few architectural features within the park. The building's architectural character, including its one-story wood frame construction, gable roof with exposed rafter tails, gabled entry porch, channel-drop wood siding, and double-hung wood-sash windows, is representative of early twentieth-century park architectural design and contributes to the understanding of Roeding Park as an example of the early twentieth century municipal park typology. As such, the Administrative Office is one of the only features of the park that has architectural characteristics that contribute to the historical significance of the district.

Demolition would adversely impact the physical characteristics of the historic district as well as its eligibility for inclusion in the federal, state, and local registers. The loss of a rare architectural contributing feature within the park, which was constructed within the period of significance and which provides evidence of the early architectural style and design employed for supporting park buildings, would result in a potentially significant impact.

In order to avoid the impact to the historic district, Mitigation Measure 2.0 should be adopted. For the reasons described in Mitigation Measure 2.0, it is believed that relocation of the building is feasible.

Mitigation Measure 2.0 — Relocate the Fresno Chaffee Zoo Administration Office within the boundaries of the historic district.

The Fresno Chaffee Zoo Administration Building, a contributing feature of the Roeding Park Historic District, shall be relocated as part of the Master Plans Project. In order to avoid demolition of this contributing feature, and reduce adverse effects to the historic district, the Fresno Chaffee Zoo Administration Office shall be relocated to an area within the historic district that is consistent with its historic setting.

The location and setting of the Fresno Chaffee Zoo Administration Office is an important aspect of the historic character of this contributing feature. The building was originally designed and sited in its location near the Belmont Avenue entrance to serve as the administration office for the park and was later converted into office space for the zoo. Relocation of the Fresno Chaffee Zoo Administration Office should occur within the boundaries of the historic district and should attempt to recreate the open, vegetated character of the building's current setting within the park. A number

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of sites may be appropriate, including relocation within the park maintenance facility planned for relocation to the northwest corner of the park.

The one-story wood frame building appears to sit on a slab-on-grade foundation and would be relatively easy to relocate to a new site within Roeding Park. The building was originally constructed in circa 1937 and an addition was added to the north side of the building in 1973. This addition will not be relocated as part of this effort, as this addition has not achieved significance in its own right and detracts from the historic appearance and understanding of the original building.

IMPACT 3.0

The Master Plans Project would result in the modification of vehicular entrances, streets, sidewalks, landscape and infrastructure within the historic district, affecting the historic district's integrity of setting. (Less-Than-Significant)

Analysis of Impact

The Master Plans Project includes reconfiguration of existing vehicular and pedestrian paths to accommodate changes to visitor circulation patterns through the site. These changes include the addition of a new main entrance along Golden State Boulevard and reconfiguration of vehicle and pedestrian paths in the northwest portion of the park near the tennis courts and along the middle-eastern edge of the historic district boundary. Changes also include the addition of new pedestrian circulation paths near the proposed Plaza Hub and in the zoo expansion area. The change with the most potential to impact the historic district is the introduction of a new entrance along Golden State Boulevard. Historically, the main entrance into the park was provided along Belmont Avenue to the south. Although the new entry will re-route some public vehicular traffic to the eastern edge of the park and alter the entry sequence currently experienced by visitors, the historical layout of the park included an entrance along the eastern edge of Roeding Park as early as the 1920s. In general, the character of the existing circulation patterns will be retained, including the overall scale and character of the historic, meandering, tree-lined circulation paths. The changes proposed to the entry patterns, streets, sidewalks, landscape and infrastructure will be designed to be compatible with the historic character and will generally follow the *Secretary of the Interior's Standards for Rehabilitation*. These changes will not adversely impact the ability of the historic district to convey its significance nor the district's eligibility for listing in the California Register of Historical Resources and therefore the impact is less-than-significant and no mitigation measures are required.

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IMPACT 4.0

The Master Plans Project would result in the relocation of four moveable contributing features (objects) of the Roeding Park Historic District. (Less-Than-Significant)

Analysis of Impact

Several contributing features within the Roeding Park Historic District will be relocated as part of the Master Plans Project. Moveable contributing features that are planned for relocation include: the historic concrete benches, George C. Roeding Monument, George Washington Memorial, and the Frederick and Marianne Roeding Monument. The existing setting and location of these monuments are not critical to the integrity of these features, or what make the features contributors to the historic district. Furthermore, these objects are capable of being easily moved, and in the past, have been moved around the park as certain areas have changed over time. Accordingly, the relocation of these features within the boundaries of the historic district will not significantly impact the historic district and no mitigation measures are required.

IMPACT 5.0

The Master Plans Project would result in the demolition or alteration of many non-contributing features (buildings, structures, and landscape features) within the Roeding Park Historic District. (No Impact)

Analysis of Impact

Nine non-contributing features of the Roeding Park Historic District will be demolished as part of the Master Plans Project. Non-contributing features planned for demolition include the City Maintenance Yard, the Elephant House, Seal Pool, Monkey Island, Giraffe Barn, Bear Grottoes, Walk-Through Aviary, Ape Grottoes, and Hippo Exhibit. Additionally, several non-contributing features will be altered under the Master Plans Project: Rotary Storyland, Rotary Playland, the Lion House, the Amphitheater, the Palm Point Picnic Shelter, and the Rhino Exhibit. Non-contributing features do not contribute to the historic significance of the historic district as outlined in the "Roeding Park Historic Resource Assessment" prepared by Page & Turnbull in July 2009. Therefore, the demolition or alteration of non-contributing features does not have a significant impact on the historic district and no mitigation measures are required.

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IMPACT 6.0

The Master Plans Project would result in the construction of new non-contributing features within the Roeding Park Historic District. (Less-Than-Significant)

Analysis of Impact

New construction and improvements that will be implemented as part of the Master Plans Project include: parking, circulation and infrastructure improvements; new landscapes; park open space; a new dog park; and sculpture gardens. These individual projects are mostly limited to upgrading existing infrastructure systems and improvements and as currently designed, appear to follow the trend of the existing architectural and horticultural character of the historic district. Therefore, the improvements would not dramatically alter the setting associated with contributing features, nor would they substantially alter the architectural or horticultural character of the historic district.

In the case of the zoo expansion, construction of new exhibits will result in the introduction of new architectural and horticultural elements as necessary to create habitat zones for different species. Impacts to the historic district associated with expanding the Zoo boundary have already been addressed in this evaluation. The Zoo is located within the historic district and has historic significance as associated with the themes of the historic district. Many of the features of the Zoo were constructed outside the period of significance or lack sufficient historic integrity to convey significance as associated with the themes of the historic district. It is important to note that two features within the current boundaries of the Zoo (the Lisenby Bandstand and the Zookeeper's House) have been identified as contributing features of the Roeding Park Historic District and should be protected.

Because the new construction will be designed in keeping with the *Secretary of the Interior's Standards*, the new features proposed for the expanded Zoo will not generate substantial impacts to the historic district. Therefore, since improvements proposed for Roeding Park will comply with the existing architectural and horticultural character of the historic district, and since new construction within the Zoo will not generate substantial historical resource impacts, this impact is considered to be less-than-significant, and no mitigation measures are required pursuant to CEQA. Although no significant adverse impact has been identified and therefore no mitigation measures are required, the adoption of Mitigation Measures 6.0 and 6.1 is recommended. These measures would require the project sponsor to develop historic preservation guidelines for new construction within the park and to utilize an historic plant palette for landscaping improvements. These measures would further reduce the impact and ensure that the impact remains less-than-significant.

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Mitigation Measure 6.0 — Develop historic preservation design guidelines that address all contributing architectural and landscape features of the historic district.

No mitigation is legally required because this impact on the historic district is less than significant without mitigation. Furthermore, the master plans reference the retention of existing park horticultural and architectural themes where possible. The Master Plans Project includes a Campus Ecology Strategies section, outlined on page 18 of the Roeding Park Facility Master Plan. These strategies include provisions for the development of “a comprehensive landscape plan that, wherever possible, seamlessly incorporates existing Park and Zoo trees and features into the landscape design for the campus.” This strategy is open ended and further detail should be included to provide guidance for the treatment of all contributing features of the historic district (landscape and architectural) to ensure minimal impact of new construction upon the historic district. These Campus Ecology Strategies should serve as a guide for all new construction to ensure minimal impact to the contributing features of the historic district and implementation of these strategies for the entire Master Plans Project. The master plans preserve in place the two contributing features within the Zoo, the Lisenby Bandstand and the Zookeeper’s House.

Though already insignificant, in order to minimize this potential impact on the historic district, prior to the start of any work as part of the Master Plans Project, historic preservation design guidelines shall be developed. These guidelines shall apply to 1) the park historic district and 2) contributing features within the Zoo. These guidelines should specify that all such new construction and rehabilitation within the park, and rehabilitation of existing contributing features within the Zoo, follow the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*. It is recommended that these guidelines allow for flexibility within the Zoo, which is located within the Roeding Park Historic District but only contains two contributing features and has specific requirements for new construction as part of the Association of Zoos and Aquariums (AZA) standards.

Mitigation Measure 6.1 — Utilize the historic plant palette for introduction of new landscape elements.

No mitigation is legally required because this impact on the historic district is less than significant without mitigation. All new construction within the park and rehabilitation of existing contributing features, including those existing contributing features within the Zoo, will utilize, to the extent possible, historic palettes and landscaping. The historic plant palette—including ash, redwood, pine, eucalyptus, maple trees, and others—should be followed wherever possible for areas where new vegetation will be introduced or replaced. It is recognized that vegetation within the zoo will vary

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depending upon the individual animal exhibits and Zoo areas; however, for public areas within the Zoo, consideration should be given to designs that follow the overall park landscape palette. Additionally, existing documentation on the park’s landscape, including the Arbor Pro tree survey, should be analyzed to determine relative age and significance of individual historic landscape elements within the park to guide park maintenance and inform park planning decisions. Mature plantings are significant contributing features of Roeding Park and it is important to introduce new compatible plantings well before existing plant materials reach their life expectancy to assure the preservation of these landscape features. Non-contributing features within the Zoo are not subject to this mitigation measure.

IMPACT 7.0

The Master Plans Project would include the extension of the existing perimeter security fencing around the boundary of the Fresno Chaffee Zoo, which would result in the introduction of a physical and visual barrier at the southeastern edge of the Roeding Park Historic District. (Less-Than-Significant with Mitigation)

Analysis of Impact

Historically, the perimeter of Roeding Park was open and transparent and lacked any formal perimeter fencing. Today, various fencing elements (including chain link, a low stone wall added in the 1960s, and others) have been introduced along the perimeter of Roeding Park.. Despite these changes, the overall character of the park as open and accessible from the public right of way is still evident along most of the park’s perimeter (example: to the east of the Belmont entrance, where clear views into the park are evident) and is an important character-defining element associated with the park’s setting, feeling and association. The character of the park perimeter makes it inviting to passersby by providing vignettes of the park features to both pedestrian and vehicular traffic.

As outlined in the Fresno Chaffee Zoo Facility Master Plan, the expansion of the zoo into the southeastern portion of the park will require the extension of the existing eight-foot high USDA zoo perimeter fence in accordance with the Association of Zoo and Aquariums (AZA) standards for health and safety. The perimeter fencing will be installed behind the existing low stone wall, which will remain in place. The extension of this perimeter fence is a physical alteration that may substantially and adversely impact the overall open character of the southeastern edge of the Roeding Park Historic District, such that the significance of the District could be materially impaired. Design elements of the perimeter fencing, including without limitation, landscaping on both sides to screen views from the public right-of-way and from inside the Zoo, as well as compliance with the requirements of Mitigation Measure 5.3(b) in the Aesthetic Resources chapter of the EIR, will help

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minimize the impact of the fence. In order to sufficiently avoid this impact to the historic district, however, Mitigation Measure 7.0 should also be followed. Adoption of Mitigation Measures 7.0, in conjunction with Mitigation Measure 5.3 in the Aesthetic Resources chapter of the EIR, would ensure that the design of the fencing would reduce the impact to less-than-significant.

Mitigation Measure 7.0 — Maintain the open, landscaped character of the southeastern boundary of the Roeding Park Historic District.

The design of the new zoo expansion perimeter fence shall comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and integrate the overall historic character of the existing boundary of the historic district. In keeping with the historic character of the park landscape, in areas where the new zoo fencing is located in close proximity to the park perimeter, the fencing shall not be higher than required by AZA and USDA standards. Prior to issuance of any permits required for the construction of the expanded fence, the applicant shall submit a landscaping and materials plan to the City for review and approval. The plan shall incorporate building materials and colors that are consistent with the park's historic character. To the extent that such materials or colors are not consistent with AZA and USDA requirements, these materials and colors shall only be required for the exterior portion of the fence. In these areas and in areas where fencing is close to public roads, special care should be given to maintaining a sense of openness and avoid creation of a barrier around the zoo so that the park experience is not visually interrupted by a "continuous solid wall" effect. To this end, in accordance with Mitigation Measure 5.3(b)(2)(B) in the Aesthetic Resources chapter of the EIR, the fence shall be designed and constructed in an informal manner that is aesthetically pleasing and generally follows the form of the existing trees, shrubs and ponds. The landscaping and materials plan shall use screening vegetation of species drawn from the existing vegetation palette of the park (not introducing a different plant palette) in various locations. Where landscaping is introduced for visual screening purposes along the park perimeter, plantings shall be varied in scale, materials, and density. Landscaping should be designed in such a way so as to be generally perceived as part of the landscape of the park and not as just part of the fence. Overall, the perimeter of the site should still feel like an element of the park.

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IMPACT 8.0

The Master Plans Project would result in the demolition of non-character-defining elements of the Zookeeper's House—a contributing architectural feature of the Roeding Park Historic District. (Less-Than-Significant)

Analysis of Impact

The Zookeeper's House (also known as the Chaffee Office) has undergone some architectural changes over time, including the construction of an addition to the building sometime around 1960. As part of the Master Plans Project, this later addition will likely be removed when the building is rehabilitated. According to the Conditional Use Permit for the site, the building will remain in its current location and a maintenance plan for the building will be developed. Although the demolition of the addition will alter the appearance of the Zookeeper's Office, this element is not a character-defining feature of the building. The work will be carried out according to a maintenance plan based on the *Secretary of the Interior's Standards for Rehabilitation* that will be developed for the building. Therefore, the alteration of non-character-defining features of the Zookeeper's House, so long as they are carried out according to the Standards, would not have a significant impact on the historic district and no mitigation measures are required.

Summary of Impacts

The Master Plans Project would retain the majority of the district's contributing features (defined in *Section E. Status of Existing Site as a Historic Resource under CEQA*), and would rehabilitate many existing landscape features and park infrastructure to facilitate new and improved recreational use of the site. The Master Plans Project would affect non-contributing features, such as many of the older zoo exhibits and Storyland and Playland, by demolishing or significantly remodeling these features. However, non-contributing features do not contribute to the significance of the historic district, and therefore would not cause a significant adverse impact upon the historic district. The Master Plans Project also includes the construction of new buildings, structures, and landscape elements. This new construction should be designed to be compatible with the existing historic features, and should not materially impair the overall significance of the historic district, or its eligibility for listing in the California Register of Historical Resources.

Although individual contributing features of the Roeding Park Historic District will be impacted as a result of the Master Plans Project, as a whole, the impact on the historic district will be mitigated to a less-than-significant level according to the strategies presented in the master plans and the mitigation measures included in this analysis. As the preceding analysis sets forth, the Master Plans Project would not cause a substantial adverse change to a historic district because the Master Plans Project

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would not impact the resource's eligibility for listing in the California Register. Ultimately, when considered together, the impacts of the Master Plans Project on the Roeding Park Historic District may be mitigated to less-than-significant with the implementation of mitigation measures, and the Master Plans Project does not cause a significant adverse effect on the historic district as defined by CEQA.

H. Analysis of Cumulative Impacts under CEQA

The California Environmental Quality Act defines cumulative impacts as follows:

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- a) The individual effects may be changes resulting from a single project or a number of separate projects.
- b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.³⁰

The Master Plans Project would not result in any cumulative impacts to the Roeding Park Historic District. Throughout its history, Roeding Park has been continually adapted to meet the needs of the current day. This project continues the trend of upgrading Roeding Park and the Fresno Chaffee Zoo to accommodate new recreational uses while retaining the significant contributing features of the historic district. To accommodate the upgrades and new construction planned as part of the zoo master plan, improvements will be made to the greater park infrastructure and systems to facilitate better visitor use and experience of the site. These improvements are folded into the master plans and are considered part of the overall Master Plans Project, and do not create a cumulative adverse impact.

Current Projects in the Historic District

Currently, there are no other known projects planned within the boundaries of the historic district. The master plans outline all improvements to be made to Roeding Park, the Fresno Chaffee Zoo, Rotary Storyland and Rotary Playland through the year 2015.

³⁰ CEQA Guidelines, Article 20, subsection 15355.

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Future Projects (Next 10 Years)

The master plans outline all Measure-Z funded improvements to be made to Roeding Park, the Fresno Chaffee Zoo, Rotary Storyland and Rotary Playland through the year 2015, as well as additional zoo improvements that will be made between 2015 and 2020. No other known projects are anticipated to take place within the historic district boundary within this time frame.

II. CONCLUSION

The Roeding Park Historic District is a California Register-eligible historic resource (historic district) as defined by CEQA. Overall, the Master Plans Project includes measures to ensure the preservation of contributing features of the historic district where possible. Mitigation measures proposed as part of this analysis are meant to further reduce the potential impacts of the Master Plans Project to a level of less-than-significant impact. The Project Sponsor's proposal would impact some individual contributing features of the historic district as part of the Master Plans Project. However, overall these impacts are acceptable and are necessary to accommodate the upgrade to park infrastructure and systems, and therefore are typical for a project of this size and complexity. The proposed improvements would maintain the majority of the site's contributing features (including, but not limited to, the vegetation, circulation patterns, buildings, structures, objects and associated landscape features). The Master Plans Project would have limited adverse impacts upon historic materials or the expression of the property as a historic district, and would not impact the eligibility of the Roeding Park Historic District for listing in the California Register of Historical Resources. Accordingly, the Master Plans Project would result in a less-than-significant impact upon the historic district.

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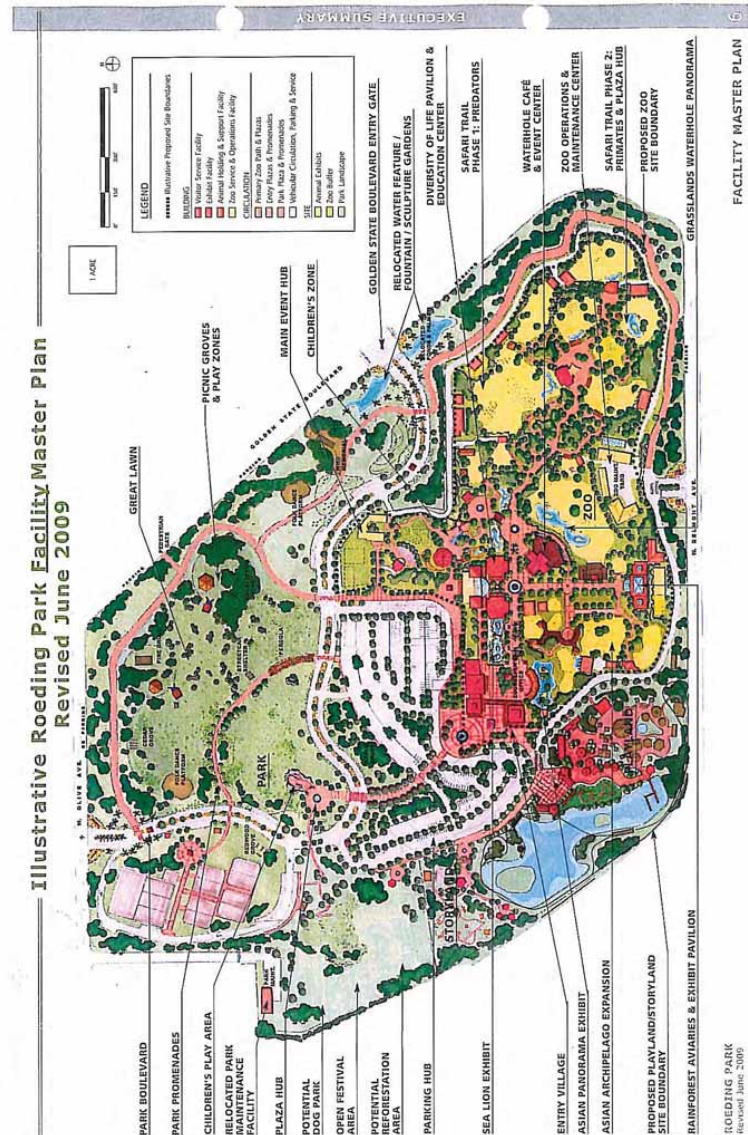
Roeding Park
Fresno, California

III. APPENDIX

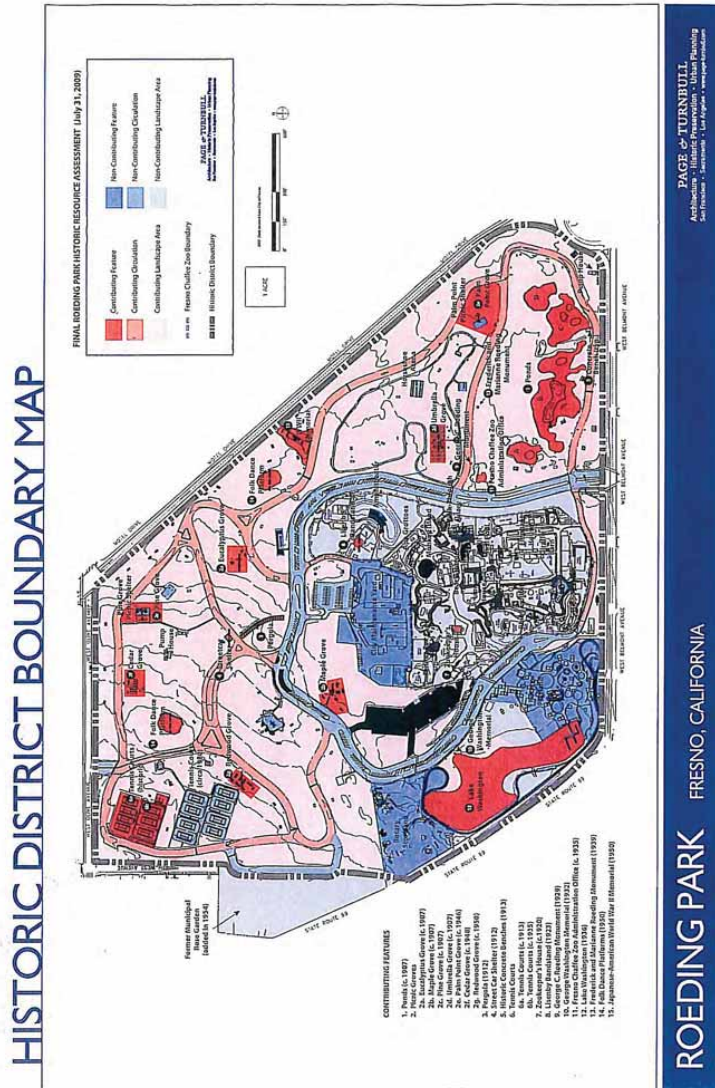
- A. Illustrative Roeding Park Master Plan, Revised June 2009.
- B. Historic District Boundary Map, Page & Turnbull Historic Resource Assessment, dated July 31, 2009.
- C. Page & Turnbull, Revised Final Roeding Park Historic Resource Assessment, July 31, 2009.

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C. DPR 523 A FORMS



Historic Resource Assessment
Memorandum and DPR 523 A & D Forms
Final Report

Roeding Park
890-894 West Belmont Avenue
Fresno, California

31 July 2009

Prepared for
City of Fresno
Fresno, CA

Prepared by
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DATE July 31, 2009 PROJECT NO. 08128
TO Kevin Fabino PROJECT NAME Roeding Park Historic Resource Assessment (Final Report)
OF City of Fresno Planning & Development Department FROM Gretchen Hilyard
2600 Fresno Street Architectural Historian
Fresno, California 93721-3604 Page & Turnbull
CC Karana Hattersley-Drayton VIA E-mail

REGARDING:
Roeding Park Historic Resource Assessment DPR 523 A and D Forms – FINAL REPORT

This memorandum provides additional information on the scope, methodology and findings of the Roeding Park Historic Resource Assessment (Final Report), dated July 31, 2009 and prepared by Page & Turnbull for the City of Fresno.

Scope

The scope of the HRA was to evaluate the Roeding Park property in Fresno, California as a potential historic district according to National Register, California Register, and Fresno Local Register criteria. This evaluation was primarily guided by the California Office of Historic Preservation's *Instructions for Recording Historical Resources (March 1995)*, and the following National Register Bulletins: *How to Apply the National Register Criteria for Evaluation*, *How to Evaluate and Nominate Designed Historic Landscapes*, and *Defining Boundaries for National Register Properties*. As part of the evaluation, California Department of Parks and Recreation (DPR) 523A (Primary Record) forms were completed for thirty eight features (and groups of similar features) identified on the site. These features were selected for recordation based on their construction before 1964 and their potential for historic character and integrity. The property was then evaluated as a potential historic district using a DPR 523D (District Record) form. The District Record investigated Roeding Park and all of its components (the greater park, the Fresno Chaffee Zoo, Storyland and Playland). A site map identifying the locations of contributing and non-contributing features was prepared by Page & Turnbull to accompany the District Record, from a base map obtained from the City of Fresno.

Individual features of the park that were of similar character and association, such as the folk dance platforms and ponds, were compiled together on DPR 523A forms to maximize the documentation of total features and clarify their relationship. So as not to be misleading, the relative scale and number of contributing features was taken into account in order to determine the overall eligibility of Roeding Park as a potential historic district. Such consideration will reveal that, based on scale, a sufficient amount of historic fabric remains to constitute a historic district.

To account for a more accurate representation of contributing and non-contributing features, the historic district boundary map includes contributing/non-contributing features,

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circulation, and landscape areas of the park. This map is based on an analysis of the information outlined in the DPR 523 A and D forms, historic site plans, and on-site observation. The historic district boundary map clearly shows that the majority of the land area of the park is occupied by contributing features (including circulation and landscape areas) and provides an important graphic analysis to accompany the narrative evaluation provided in the DPR 523 D form for the Roeding Park Historic District.

This study did not entail archaeological research on the part of Page & Turnbull. However, prior to the initiation of project construction and ground disturbing activities the Fresno Chaffee Zoo shall retain a consultant who meets the Secretary of the Interior's Professional Qualifications for Archeology as defined in the Code of Federal Regulations, 36 CFR Part 61, Appendix A (Professional Archaeologist). This consultant, working in tandem with the City of Fresno's Historic Preservation Project Manager, will initiate an archeological investigation to determine whether or not there are sub-surface deposits within the project area. This fieldwork will adhere to the protocol previously developed by the City and the California State Office of Historic Preservation for prior projects.

Methodology

The methodology of the HRA considered Roeding Park as a cultural landscape. According to the National Park Service, a cultural landscape is defined as, "a geographic area, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values."¹ The National Park Service further defines a historic district as an area that "possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development."² According to National Park Service definitions, the property's combined character as a cultural landscape and historic district should not be separated when considering the property's historical significance and potential for listing in the National Register of Historic Places.³

In order to complete the HRA, a site survey was conducted from November 3rd to 6th, 2008 by Meg Glynn, Caidin Harvey and Gretchen Hilyard, Architectural Historians for Page & Turnbull who all meet the Secretary of the Interior's Professional Qualifications for Architectural History. Existing conditions of all potential historic features (45 years of age and older) were noted on current aerial maps of the site. A follow up site visit was conducted on April 19, 2009.

During the initial site visit, oral interviews were conducted on-site with Pete Rocco, City of Fresno Parks Supervisor II; Lewis Greene, Former Director of the Fresno Chaffee Zoo; and Barry Falke, Director of Rotary Playland Storyland. These oral interviews provided valuable insight on potential historic resources as well as the current use and conditions of the site. Local research repositories were visited and materials collected about the historical development of Roeding Park, the Fresno Chaffee Zoo, Storyland and Playland, as well as information about the Roeding Family and the early development of Fresno and its parks. Research methodologies included investigation at Fresno historical archives as well as San Francisco Bay Area archives and internet resources.

Primary research was conducted at the Fresno Historical Society (historic images,

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miscellaneous articles and files); Fresno Public Library (newspaper clippings, files, *Fresno Past and Present* articles, books, Roeding Park Zoo reports); Special Collection of the Madden Library at California State University, Fresno (journal articles, news clippings, files, and historic zoo brochures); City of Fresno Planning Department Archives (building permits); Fresno Chaffee Zoo Archives (historic images, news clippings, Jean Chaffee files), Rotary Storyland/Playland office (historic images and files); as well as information obtained from Pete Rocco (clippings binder on Roeding Park).

San Francisco Bay Area archives consulted for the HRA include: University of California, Berkeley Environmental Archives; San Francisco Public Library; and the California State Library in Sacramento.

Internet resources were consulted for additional information and included: *Fresno Bee* and *Fresno Morning Republican* archives obtained through NewspaperARCHIVE.com; the Library of Congress American Memory historic images collection; and various internet searches on Johannes Reimers, Roeding Park, the Fresno Chaffee Zoo and related topics.

Research uncovered many discrepancies in the dates of features within the park. All dates provided in this report are estimated as close as possible to the original construction based on primary records such as building permits. Secondary records were deferred to in cases where no primary records were available.

Research also uncovered many references to landscape architect Johannes Reimers, donor Frederick Roeding, and nurseryman George C. Roeding's involvement in the early development of the park. No evidence was found to confirm the association of landscape architect and Golden Gate Park Superintendent John McLaren to Roeding Park, as had been suggested during oral history interviews. One reference was found that indicated that John McLaren and George C. Roeding were acquainted.

Additional research was conducted to provide national, state and local historic context for the following topics associated with the development of Roeding Park: development of recreational parks for the middle class, development of parks in Fresno, development of zoological gardens in the United States, development of kiddie parks and fairytale parks in the United States, Frederick C. Roeding, George C. Roeding, and Johannes Reimers.

Visual observation on-site determined that forty-seven features (including individual features and groups of similar features) were forty-five years of age or older, and retained sufficient historic integrity to necessitate documentation on DPR 523A forms. Thirty-eight DPR 523A forms were completed for the purposes of the Historic Resource Assessment; twenty-three of these forms were completed for features located within the greater park boundary, thirteen within the Fresno Chaffee Zoo, one for Storyland, and one for Playland. In some cases, groups of similar features were compiled on single DPR 523A forms. Other similar features, such as the picnic groves, that were known to be constructed at different points in time were inventoried on separate DPR 523A forms. Storyland and Playland were constructed at distinct points in time as individual entities within the park and were therefore treated as single, cohesive resources for the purposes of the assessment. Two respective DPR 523A forms were created to document the features of these sites. Features

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within the Fresno Chaffee Zoo were evaluated individually due to the complexity of the site and its phased construction over a one-hundred year period.

A single DPR 523D form was completed for Roeding Park, evaluating the entire park as a potential historic district, including the greater park, the Fresno Chaffee Zoo, Storyland, and Playland.

General landscape characteristics, such as circulation patterns and the overall site plan, were identified and evaluated as part of the DPR 523D form (District Record) and indicated on the historic district boundary map. These general landscape characteristics were not inventoried on separate DPR 523A forms based on the guidelines established by the California Office of Historic Preservation and the National Park Service. The landscape characteristics of the Roeding Park Historic District are essential components of the site that define its character as a recreational park. For the purposes of this report, general landscape characteristics were found to be significant character-defining features of the historic district and are shown on the historic district boundary map that accompanies the District Record for the property.

The methodology described above was developed in consultation with City of Fresno Planning Department staff members and was determined to be the most practical method of evaluating the entire park for its character as a cultural landscape and potential historic district.

Summary of Findings

The HRA finds that the Roeding Park Historic District is eligible for listing in the National Register of Historic Places under Criterion A in the area of community planning and development due to its association with the pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century. The Roeding Park Historic District is also eligible under National Register Criterion C (Design/Construction) in the area of entertainment/recreation as a resource that embodies the distinctive characteristics of a type and period—the design of early twentieth century municipal parks—and as a property that represents a significant and distinguishable entity whose components may lack individual distinction.

Since the HRA finds the historic district to be eligible for the National Register, evaluation under the California and Local Registers closely follows the detailed analysis provided in the report under the National Register. This information is summarized in the California and Local Register sections and refers back to the National Register evaluation where applicable.

The HRA also finds that the Roeding Park Historic District is eligible for listing in the California Register of Historical Resources under Criterion 1, and Criterion 3. The Roeding Park Historic District is also eligible for the Fresno Local Register under Criterion 2 for its association with George C. Roeding and the Roeding family—who made significant contributions to the culture and development of Fresno in the early twentieth century.

The period of significance for the historic district begins in 1903, the year that construction

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of the park began, and ends in 1953, when focus began to shift from development of the park as a whole towards development of the Roeding Park Zoo and other amusement areas within the park. The construction of State Highway 99 at the western edge of the park in 1954, marked a physical transition away from the picturesque period of the park's original design and development. After 1953, the zoo became the main attraction within Roeding Park and one of the three most notable zoos in California (along with the San Francisco and San Diego Zoos). As a whole, the Roeding Park Historic District retains sufficient integrity of location, design, setting, materials, workmanship, association and feeling to convey its significance throughout the entire period of significance from 1903 to 1953.

The historic district has twenty-five contributing features and twenty-two non-contributing features.

The following landscape characteristics were identified for the property and define the overall character of the historic district: natural systems and features, spatial organization, circulation, topography, vegetation, buildings and structures, and small-scale features. These characteristics articulate the property's significance as a potential historic district and cultural landscape, and are based upon the accepted National Park Service methodology for the assessment of cultural landscapes. Character-defining cultural landscape characteristics for the Roeding Park Historic District include: its organization of a series of open spaces, made accessible via vehicular and pedestrian circulation systems, and accentuated by buildings, structures, vegetation and small-scale features, which frame the overall historic character of the property. These characteristics were designed in response to the site's topographical conditions, natural systems and features, and program concerns.

Roeding Park (developed from 1903 to the present) is characterized by four major areas: the greater park area, the Fresno Chaffee Zoo, Playland, and Storyland. The development of the park as a whole followed national trends in municipal park planning and development in the twentieth century and it retains sufficient historic integrity to convey its significance during the period of significance.

The Fresno Chaffee Zoo (developed from 1908 to the present) followed national trends in the development of zoos in America in the twentieth century. Two individual features associated with the zoo or located within its boundaries contribute to the historic district: the Lisenby Bandstand and the Zookeeper's House. As a whole, the zoo lacks sufficient historic integrity to convey its significance during the period from 1903 to 1953 and is not eligible for listing in the California Register as part of the Roeding Park Historic District.

Playland (constructed in 1955) was developed outside of the period of significance identified for the Roeding Park Historic District. Although Playland is one of the few extant early amusement parks in California, its construction clearly marks a transition in the character of Roeding Park as it evolved from a pleasure ground to an amusement facility in the later twentieth century. This transition point is the justification for the end date of the period of significance and therefore, Playland is not included as a contributor to the Roeding Park Historic District, and is subsequently deemed ineligible for listing in the California Register as part of the district. Considered separately from the Roeding Park Historic District, however, it is possible that Playland may be individually eligible for the California Register

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under Criterion 1 (Event) for its association with the early development of amusement parks in California. Such assessment was outside the scope of this HRA. Page & Turnbull recommends further research and documentation to confirm Playland's significance in this respect.

Storyland, (constructed in 1962) is not yet 50 years of age, the general estimate of the time needed to develop historical perspective and to evaluate significance as identified in the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*.⁴ As a site that is less than 50 years of age, Storyland does not appear to have exceptional importance to qualify for listing in the California or National Registers under Criteria Consideration G: Properties That Have Achieved Significance Within the Past Fifty Years. Storyland also marks another clear departure in the character of Roeding Park from a pleasure ground to an amusement facility and was developed after the period of significance (1903 to 1953). Therefore, it does not contribute to the Roeding Park Historic District. As of December 2008, Storyland is not eligible for listing in any national, state, or local historical register; however, it should be further evaluated for its potential listing on the California Register when it reaches 50 years of age in 2013.

The City Maintenance Yard does not contribute to the Roeding Park Historic District as it is not associated with the character and development of the park as a pleasure ground and recreational facility during the period of significance from 1903 to 1953. A somewhat anomalous feature within the park boundaries, it is largely unrelated to the park's function, intent, or aesthetics and therefore does not contribute to the district.

As a whole, the Roeding Park Historic District—including its character-defining cultural landscape characteristics and the twenty-five contributing features within the historic district—possesses a significant concentration, linkage and continuity of sites, buildings, structures and objects united historically by the plan and physical development of Roeding Park.

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ENDNOTES

¹ Charles A. Birnbaum, ed., *The Secretary of the Interior's Standard for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (Washington, D.C.: U.S. Department of the Interior, National Park Service, 1996), 4.

² National Park Service, "How to Apply the National Register Criteria for Evaluation" *National Register Bulletin no. 15* (2002).

³ Robert R. Page, *A Guide to Cultural Landscape Reports: Contents, Process, and Techniques* (Washington, D.C.: U.S. Department of the Interior, National Park Service, 1998): 9.

⁴ National Park Service, "How to Apply the National Register Criteria for Evaluation."

State of California & The Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI #
DISTRICT RECORD	Trinomial

Page 1 of 68 *NRHP Status Code 3S

*Resource Name or # (Assigned by recorder) Roeding Park Historic District

D1. Historic Name Roeding Park D2. Common Name: Roeding Park

*D3. Detailed Description (Discuss overall coherence of the district, its setting, visual characteristics, and minor features. List all elements of district): The Roeding Park Historic District (Roeding Park) is located at 890 – 894 West Belmont Avenue in the northwest portion of Fresno, California directly west of the Tower District. Roeding Park is generally bounded by West Belmont Avenue to the south, North Motel Drive to the east, West Olive Avenue to the north, and Highway 99 to the west. Roeding Park includes a total of 148 acres. (See Continuation Sheet, p. 2)

*D4. Boundary Description (Describe limits of district and attach map showing boundary and district elements.): The boundaries of the Roeding Park Historic District in Fresno, California commence at the southwest corner of West Olive Avenue and North Motel Drive. The boundary runs southeast along North Motel Drive, following the North Motel Drive inlet to the Belmont Traffic Circle and continuing along the outlet to West Belmont Avenue. The traffic circle itself is excluded from the district boundaries. The boundary then runs west along West Belmont Avenue to the northbound Highway 99 on ramp, where it turns and runs northwest along Highway 99 and the northbound Highway 99 off ramp. (See Continuation Sheet, p. 8)

*D5. Boundary Justification
The boundaries of the Roeding Park Historic District are defined by the relative extent of the historic park boundary. The boundary accounts for all land acquired for the park during its initial period of development between 1903 and 1924, as well as changes to the southwestern boundary of the site made in 1954 due to the incorporation of State Highway 99, which resulted in the truncation of Lake Washington's western shoreline. The historic district boundary excludes the Municipal Rose Garden along the northwestern edge of the site, as this area was added to the site after the end date of the period of significance and does not contribute to the character of the historic district. The boundary excludes the Belmont Traffic Circle, which was constructed in 1932, as well as the small residential development at the northwest corner of the site; these two areas are outside the historic district boundaries and do not contribute to the character of the historic district.

D6. Significance: Themes	Entertainment/Recreation, Community Planning & Development	Fresno, California
	Applicable Criteria	Area
Period of Significance	1903-1953	NR A/CR 1/Local 1, Local 2, NR C/CR 3/Local 3.
(Discuss district's importance in terms of its historical context as defined by theme, period of significance, and geographic scope. Also address the integrity of the district as a whole.)		

The Roeding Park Historic District consists of a group of features that possesses a significant concentration, linkage and continuity of sites, buildings, structures and objects united historically by the plan and physical development of Roeding Park. The historic district contains forty-seven features within the boundaries of the historic district that are forty-five years of age or older (constructed before 1964). Twenty-five of these features contribute to the historic district and the remaining are non-contributing features.
(See Continuation Sheet, p. 11)

*D7. References (Give full citations including the names and addresses of any informants, where possible.)
(See Continuation Sheet, p. 32)

*D8. Evaluator: Gretchen A. Hilyard Date: July 31, 2009
Affiliation and Address: Page & Turnbull, Inc., 724 Pine Street, San Francisco, CA 94108

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D3. Detailed Description (continued)

The park in general features picnic areas, landscaped open space, monuments, tennis courts, water features, and various buildings and structures. Distinct programmed areas within Roeding Park include the Fresno Chaffee Zoo, Storyland and Playland.

The terrain of the area is generally level, and vegetation primarily consists of grassy lawns and large trees, with some smaller garden areas. The park is generally diamond-shaped, but excludes a portion of residential land at the northwest corner, which is bounded by North West Avenue, West Olive Avenue and Highway 99. Roeding Park is organized into distinct zones, including: the Fresno Chaffee Zoo at the center; Lake Washington, Storyland and Playland near the southwest corner; ponds at the southeast corner; and tennis courts and picnic areas on the north side of the park.

Streets within Roeding Park are paved and wind throughout the site, providing access to all areas of the park. The main vehicular entrance is located on the park's south side, off Belmont Avenue, and provides access to the main road that circumnavigates the park. This road consists of two lanes that are divided by medians featuring trees, curbing, and diagonal parking spaces. The main road forms a loop that roughly bounds the Fresno Chaffee Zoo and the City Maintenance Yard, which is also located in the center of the Park to the north of the zoo and serves as a facility for the city-wide parks and recreation department. Secondary single-lane roads branch off of the main road and provide access primarily to the northern and eastern portions of the park. A secondary vehicular entrance is located on the north side of the park, off West Olive Avenue. Pedestrian circulation is provided via a system of paved pathways within the Zoo, Storyland and Playland and intermittently throughout the greater park, where pedestrian circulation is not otherwise provided by vehicular roads.

The Roeding Park Historic District is characterized by recreational use and consists of forty-five features constructed within the period of significance that spans from 1903 to 1953. Twenty-seven of these features contribute to the historic district based upon evidence of sufficient historic integrity and the remaining features do not contribute to the historic district.

DESCRIPTION BY AREA

Park

Originally designed in 1903, Roeding Park encompasses a total of 148 acres, including park open space and improvements (118 acres), the Fresno Chaffee Zoo (18 acres), a City Maintenance Yard (5 acres), Playland (3.65 acres) and Storyland (3.35 acres). The park is diamond shaped with parallel sides bounded by the major roadways that form its boundaries. The park's perimeter is marked by a low stone wall, topped with chain-link fencing in some areas. Areas within the park, including the zoo, city maintenance yard, Storyland and Playland are individually fenced. The park features paved roads, water features, monuments, and an abundance of large trees, as well as a variety of contributing built and landscape features. Contributing and non-contributing features within the greater park area are outlined in the tables on pages 5-7.

Fresno Chaffee Zoo

The Fresno Chaffee Zoo was established in 1908 as an informal paddock for donated animals within Roeding Park. Today, the Zoo is operated by the Fresno Chaffee Zoo Corporation on 18 acres of land leased from the City of Fresno. The Zoo occupies a site in the center of Roeding Park and has approximately 125 species of animals, housed in a variety of enclosures, pens, cages and structures. Prominent buildings and structures within the zoo include the Lisenby Bandstand and Reptile House to the north, the Tropical Rainforest to the south, and the Asian Elephant exhibit and main entrance to the west. Individual contributing and non-contributing features within the zoo are outlined on pages 5-7.

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Rotary Playland

Rotary Playland was established in 1955 and includes 3.65 acres at the southwest corner of Roeding Park, just southeast of Lake Washington. Playland is operated by the Rotary Club as a non-profit amusement park with historic and modern rides and amenities. The features within Playland are small in scale and are typically covered by metal canopies. Playland features amusement rides such as a miniature roller coaster, tilt-a-whirl, carousel (manufactured by Aero Development) and site furnishings including plaster sculptures and water fountains. Playland does not contain any individual features that contribute to the historic district, nor does it contribute to the historic district as a site. Individual features within Playland are outlined in the table below.

Feature	Area	Year Built
Roller Coaster	Playland	Recent replacement
Pedal Boats	Playland	Recent replacement
Train Ride	Playland	Recent replacement
Train Station	Playland	Recent replacement
Lady Bugs	Playland	Unknown
Carousel	Playland	1955
Midge-o-Racers	Playland	1955
Helicopters	Playland	1955
Big Rocko	Playland	1955
Little Rocko	Playland	1955
Plaster sculpture and water fountains	Playland	1955
Train Tunnel/Office	Playland	ca. 1961
Teacups	Playland	ca. 1969
Octopus Ride	Playland	ca. 2002
Tilt-A-Whirl	Playland	2008
Splash Park	Playland	2008
Metal pavilions	Playland	ca. 1990
Ticket booth/Concession Stand	Playland	ca. 1990
Restrooms	Playland	Unknown
Activity Stage	Playland	Unknown

Rotary Storyland

Rotary Storyland was established in 1962 and includes 3.35 acres at the western boundary of Roeding Park, just north of Lake Washington. Storyland is operated by the Rotary Club and is a non-profit children's attraction that promotes literacy through a variety of children's storybook exhibits. The buildings at Storyland are designed in vernacular or mimetic styles similar to those typically found at amusement parks or roadside attractions. The wood-frame Storyland buildings were constructed in 1962 (some were later altered), are clad in stucco or wood, and incorporate whimsical details, playground features, and children's activities into their architecture. The exhibits were designed by a local Fresno artist, Patricia Hopper, who was influential in advocating for the construction of Storyland in Fresno's Roeding Park. Plaster and wood sculptures depicting characters from children's literature are found throughout Storyland, and were also constructed in 1962. Storyland does not contain any individual features that contribute to the historic district, nor does it contribute to the historic district as a site. Individual features within Storyland are outlined in the table below.

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Feature	Area	Year Built
Children's Chapel	Storyland	1962
Restrooms	Storyland	1962
Gypsy Wagon/Concession Stand	Storyland	1962
Caterpillar sculpture	Storyland	1962
3 Little Pigs sculpture	Storyland	1962
Pinocchio's Theatre	Storyland	1962
Alice's Maze sculpture	Storyland	1962
Old Lady's Shoe	Storyland	1962
White Rabbit sculpture	Storyland	1962
Alice's Court sculpture	Storyland	1962
Red's House	Storyland	1962
Gulliver's Ship	Storyland	1962
Jack & Jill sculpture	Storyland	1962
Three Bears	Storyland	1962
King Arthur's Castle	Storyland	1962
Crooked Mile sculpture	Storyland	1962
Ginger Bread Man	Storyland	1962
Winnie the Pooh sculpture	Storyland	1962
Simple Simon sculpture	Storyland	1962
McGregor's Garden sculpture	Storyland	1962
Mother Goose sculpture	Storyland	1962
Frog Prince sculpture	Storyland	1962
Little Boy Blue sculpture	Storyland	1962
Train Station	Storyland	1962
Little Miss Muffet sculpture	Storyland	1962
Entrance	Storyland	ca. 1980
Train Ride	Storyland	Recent replacement

City Maintenance Yard

Directly north of the Zoo is the 5-acre City Maintenance Yard, which is run by the City of Fresno Parks and Recreation Department. The maintenance yard features a large paved parking area, unpaved work yard, six large utilitarian buildings and a number of smaller shed structures. The maintenance yard is enclosed by chain link fence that is approximately 8' high. The City Maintenance Yard does not appear to contain any individual contributing features, nor does it contribute to the historic district as a site.

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Contributing/Non-Contributing Features

The following list includes all contributing resources in the Roeding Park Historic District that are forty-five years of age or older:

Feature	Area	Contributing?	Year Built	Type	CHRS Code
Pond A*	Park	Y	ca. 1907	HP22. Lake/River/Reservoir	3D
Pond B*	Park	Y	ca. 1907	HP22. Lake/River/Reservoir	3D
Pond C*	Park	Y	ca. 1907	HP22. Lake/River/Reservoir	3D
Pond D*	Park	Y	ca. 1907	HP22. Lake/River/Reservoir	3D
Eucalyptus Grove	Park	Y	ca. 1907	HP39. Other	3D
Maple Grove	Park	Y	ca. 1907	HP39. Other	3D
Pine Grove	Park	Y	ca. 1907	HP39. Other	3D
Umbrella Grove	Park	Y	ca. 1907	HP39. Other	3D
Pergola	Park	Y	1912	HP29. Landscape Architecture	3D
Street Car Shelter	Park	Y	1912	HP17. Railroad Depot	3D
Historic Concrete Benches*	Park	Y	1913	HP28. Street Furniture	3D
Tennis Courts*	Park	Y	ca. 1913, ca. 1935	HP39. Other	3D
Zookeeper's House	Zoo	Y	ca. 1920	HP2. Single Family Property	3D
Lisenby Bandstand	Zoo	Y	1923	HP 12. Civic Auditorium	3D
George C. Roeding Monument	Park	Y	1929	HP26. Monument	3D
George Washington Memorial	Park	Y	1932	HP26. Monument	3D
Fresno Chaffee Zoo Administration Office	Park	Y	ca. 1935	HP6. 1-3 Story Commercial Building	3D
Lake Washington	Park	Y	1936	HP35. WPA Project, HP22. Lake/River/Reservoir	3D
Frederick and Marianne Roeding Monument	Park	Y	1939	HP26. Monument	3D
Palm Point Grove	Park	Y	ca. 1946	HP39. Other	3D
Cedar Grove	Park	Y	ca. 1948	HP39. Other	3D
Redwood Grove	Park	Y	ca. 1950	HP39. Other	3D
Japanese-American World War II Memorial	Park	Y	1950	HP26. Monument	3D
Folk Dance Platform #1*	Park	Y	1950	HP39. Other	3D

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Feature	Area	Contributing?	Year Built	Type	CHRS Code
Folk Dance Platform #2*	Park	Y	1950	HP39. Other	3D

Landscape characteristics that are considered contributing features of the Roeding Park Historic District include the overall spatial organization/site plan of the park, historic roads and paths, and lawns.

* Note: Groups of similar features were compiled on single DPR 523A forms.

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The following list includes all non-contributing resources in the Roeding Park Historic District that are forty-five years of age or older:

Feature	Area	Contributing?	Year Built	Type	CHRS Code
City Maintenance Yard**	Maintenance	N	Unknown	HP4. Ancillary Building	6Z
Lion House	Zoo	N	1936	HP35. WPA Property	6Z
Elephant House	Zoo	N	1949	HP25. Amusement Park	6Z
Seal Pool	Zoo	N	1952	HP25. Amusement Park	6Z
Monkey Island	Zoo	N	1953	HP25. Amusement Park	6Z
Giraffe Barn	Zoo	N	1954	HP25. Amusement Park	6Z
Amphitheater	Zoo	N	1954	HP39. Other	6Z
Bear Grottoes	Zoo	N	1955	HP25. Amusement Park	6Z
Playland	Playland	N	1955	HP25. Amusement park	6Z
Locomotive**	Park	N	1956	HP18. Train	6Z
Palm Point Picnic Shelter	Park	N	ca. 1960	HP39. Other	6Z
Pine Grove Picnic Shelter	Park	N	ca. 1960	HP39. Other	6Z
Walk-Through Aviary	Zoo	N	1960	HP25. Amusement Park	6Z
Ape Grottoes	Zoo	N	1961	HP25. Amusement Park	6Z
Horseshoe Arena	Park	N	Before 1961	HP39. Other	6Z
Pump Houses #1*	Park	N	1961	HP9. Public Utility Building	6Z
Pump House #2*	Park	N	1961	HP9. Public Utility Building	6Z
Storyland	Storyland	N	1962	HP25. Amusement park	6Z
Hippo Exhibit	Zoo	N	1963	HP25. Amusement Park	6Z
Rhino Exhibit	Zoo	N	1963	HP25. Amusement Park	6Z
Fennec Fox Cage	Zoo	N	1964	HP25. Amusement Park	6Z
Tennis Courts*	Park	N	ca. 1980	HP39. Other	6Z

Additional features that are included within the park boundary but do not contribute to the significance of the Roeding Park Historic District, because they were constructed after the end of the period of significance (1953) include: playgrounds (2), walking path around the Umbrella Grove, road around the Fresno Chaffee Zoo, Olive Avenue entrance, Belmont Avenue entrance, flag monument, contemporary restrooms, and parking areas.

* Note: Groups of similar features were compiled on single DPR 523A forms.

** Note: DPR 523A forms were not completed for these features.

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D4. Boundary Description (Continued)

At a point along the off ramp, parallel to the southern end of North West Avenue, the boundary turns to run east and connect to the southern end of the North West Avenue cul-de-sac. Here it turns to run north along North West Avenue to West Olive Avenue. The boundary continues east along West Olive Avenue to the point of beginning, at the intersection of West Olive Avenue and North Motel Drive.

ROEDING PARK HISTORIC DISTRICT BOUNDARY MAP

(see fold out map on page 10)

Description of Map Key Fields

Contributing Feature

Contributing features identified on the historic district boundary map indicate those features that were constructed within the period of significance, contribute to the historic character of the Roeding Park Historic District, and retain sufficient historic integrity to convey the property's significance. Twenty seven contributing features were evaluated on DPR 523 A forms (groups of similar features were compiled on single A forms), which accompany the report.

Contributing Circulation

Contributing circulation identified on the historic district boundary map indicate vehicular and pedestrian roads and paths that were constructed during the period of significance, contribute to the historic character of the Roeding Park Historic District, and retain sufficient historic integrity to convey the property's significance. The contributing circulation of Roeding Park is considered one of the general landscape characteristics of the site and was not separately evaluated on DPR 523A forms according to the guidelines described in the California Office of Historic Preservation publication, *Instructions for Recording Historical Resources*. Contributing circulation was called out separately on the historic district boundary map to distinguish these features from the individual contributing features described on DPR 523A forms.

Contributing Landscape Area

Contributing landscape areas identified on the historic district boundary map indicate general landscape characteristics (excluding circulation) that were constructed during the period of significance, contribute to the historic character of the Roeding Park Historic District, and retain sufficient historic integrity to convey the property's significance. The contributing landscape areas of Roeding Park are considered general landscape characteristics of the site and were not separately evaluated on DPR 523A forms according to the guidelines described in the California Office of Historic Preservation publication, *Instructions for Recording Historical Resources*. The majority of the contributing landscape areas are lawns and plantings. These features were called out separately on the historic district boundary map to distinguish these features from the individual contributing features described on DPR 523A forms.

Non-Contributing Feature

Non-contributing features identified on the historic district boundary map indicate individual features that were either constructed after the end date of the period of significance (1953), do not contribute to the historic character of the property, and/or are historic features that do not retain sufficient historic integrity to convey their significance. All non-contributing features that were constructed during the period of significance and appeared to retain historic integrity were documented on DPR 523A forms, twenty-two features were determined to be non-contributing based on the evaluation

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of the property detailed in the DPR 523D form.

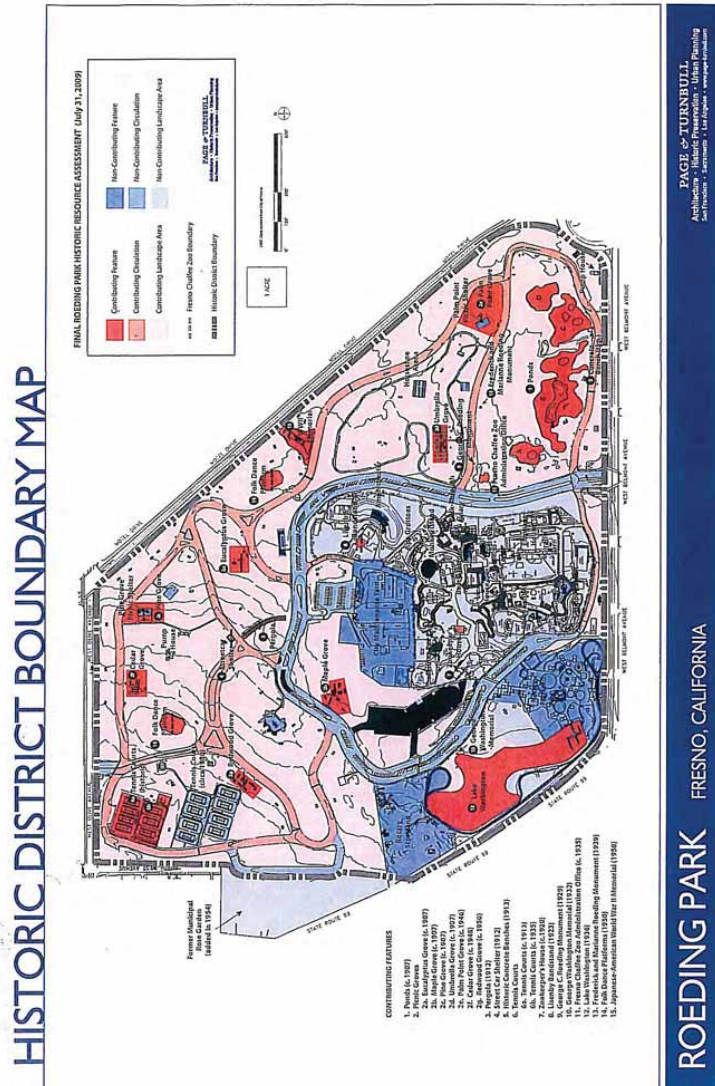
Non-Contributing Circulation

Non-Contributing circulation identified on the historic district boundary map indicate vehicular and pedestrian roads and paths that were either constructed after the period of significance, do not contribute to the historic character of the Roeding Park Historic District, and/or are historic features that do not retain sufficient historic integrity to convey the property's significance.

Non-Contributing Landscape Area

Non-Contributing landscape areas identified on the historic district boundary map indicate general landscape characteristics (excluding circulation) that were either constructed after the period of significance, do not contribute to the historic character of the Roeding Park Historic District, and/or are historic features that do not retain sufficient historic integrity to convey the property's significance.

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D8. Significance (Continued)

Contributing features to the Roeding Park Historic District include buildings, structures, objects, and landscape features that were established within the park during its period of significance, are associated with the parks' historic significance, and retain integrity to the historic period. The period of significance for the historic district begins in 1903, the year that construction began on the park, and ends in 1953, when focus began to shift from development of the park as a whole towards development of the Roeding Park Zoo and other amusement areas within the park. The construction of State Highway 99 at the western edge of the park in 1954, marked a physical transition away from the picturesque period of the park's original design and development. After 1953, the zoo became the main attraction within Roeding Park and newspapers from the era declared it one of the three most notable zoos in California (along with the San Francisco and San Diego Zoos). Within the established period of significance, the most pronounced periods of development occurred from 1903 to 1923, 1924 to 1939, and 1940 to 1953.

HISTORIC CONTEXT

Early Development of Roeding Park (1897 to 1911)

The Roeding family made a significant contribution to the early development of the San Joaquin Valley. Frederick C. Roeding was an early California pioneer and established the San Joaquin Valley Land Association with a group of German businessmen in 1868. This group purchased 80,000 acres of land between the San Joaquin and Kings Rivers in Fresno county, making Roeding and his colleagues influential land holders in the valley. Roeding established the Fancher Creek Nursery on his share of the land in 1883.¹

The history of the development of Roeding Park began in 1897, when Frederick C. Roeding and August Weihe first offered to donate 270 acres of land to the City of Fresno for the creation of a public park.² Fresno had been incorporated in 1885, and due to a variety of factors including the City's hesitation to provide the \$5,000 funding required annually for improvements as a condition of the offer, Roeding and Weihe's donation was refused. At the end of the nineteenth century, the debate over the creation of the city's first public park became an important issue in Fresno. By the early twentieth century "the city population had grown substantially and the need arose for wholesome recreational facilities within city reach."³

In 1903, under Fresno's first mayor, L.O. Stephens, Frederick and Marianne Roeding donated a 71.76 acre parcel of land to the City of Fresno, "for the purpose of laying out, construction, cultivating, maintaining and improving, as a public park or boulevard for said City of Fresno."⁴ This land was part of Roeding's former San Joaquin Valley Land Association land holdings and was called Roeding's Villa Colony. Landscape architect Johannes Reimers was retained in September of 1903 to provide specifications and drawings for the design of the park.⁵

By 1905, a newspaper article remarked that about half of the acreage was planted and the trees had grown two to three feet since planting. The remaining acreage was to be planted the following season.⁶ In 1908, recognizing that the original gift of 71.76 acres was not adequate for the execution of Reimer and Roeding's plans, the Roeding family donated an additional

¹ Wanda Podgorski Russell, "Roeding Park: A Community Center" *Fresno Past and Present* (Spring 1984): 2.
² Ibid.
³ Ibid.
⁴ Roeding Park deed, May 2, 1903.
⁵ Russell, "Roeding Park: A Community Center," 3.
⁶ "Trees Grow Fast: Roeding Park Woods Go Up Two and Three Feet a Season" *Fresno Morning Republican* (October 12, 1905).

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46.64 acres to the City of Fresno to incorporate into the existing park.⁷

In 1906, Johannes Reimers was commissioned to design a Japanese style entrance along Belmont Avenue, which was constructed of wood and included a "colonnade 100 feet long forming a wisteria covered and grown archway."⁸ This early pergola was featured in newspaper articles as the type of feature the City wished to encourage in the park to make it an attraction. By 1907 the park was described as having numerous eucalyptus and acacia trees, as well as pine, elm, maple, umbrella, citrus, and palm trees, and a variety of shrubs. The park featured four main picnic groves (Umbrella, Eucalyptus, Maple and Pine), ponds, walks and drives lined with flowering shrubs, a forested area, and an area to the north reserved to cultivate and experiment with new species of plants that would then be introduced into the park.

In 1908, the Roeding Park Zoo was established as an informal menagerie with the donation of two bears and approximately fifty birds by a local citizen.⁹ The zoo quickly became a popular attraction in the park and accepted an increasing number of animals each year, which led to the construction of cages and animal enclosures as the need for more permanent facilities arose. The establishment of a zoo in Roeding Park marked the City's earliest moves in making the park more than just the scenic pleasure ground envisioned by Roeding and Reimers. It also made the park an accessible recreational attraction for Fresno and the San Joaquin Valley.

Frederick C. Roeding died in 1910, and at that time his son, George C. Roeding, took charge of overseeing the execution of his father's public park project and played a pivotal role in the cultivation of the trees and landscape for which the park become known. In 1897, George C. Roeding, had hand cultivated the Smyrna Fig and made a name for himself as a nurseryman. He was largely responsible for the success of the Fancher Creek Nursery as an important San Joaquin Valley institution and the expansion of its influence nationwide. In 1895, the nursery was considered one of the largest and best tended in the country at 1,280 acres.¹⁰ In 1903, George Roeding published *The Smyrna Fig: At Home and Abroad* and in 1909 he published *Roeding's Practical Planter's Guide: The Result of Thirty Years Experience in California Horticulture*, a comprehensive guide for fruit growers. George Roeding was responsible for the great number and variety of trees planted in the park, and employed his skills as a nurseryman to cultivate the early vegetation of the park.

By 1910, the overall layout of the park was complete, but there were still large areas of unplanted land and few attractions within the park to embellish the landscape. In subsequent periods, the City moved away from the picturesquely planted park and focused instead making the park a recreational attraction for visitors and the citizens of Fresno. An article from 1910 describes the important role Roeding Park was beginning to play as a community resource to Fresno:

It is the desire of the present board of park commissioners to make Roeding park the real show place of Fresno. Its close proximity to the city makes it easy to reach and there is every indication that within a year we will have an electric car link, making it even more accessible.¹¹

The early involvement of Frederick and George Roeding in the development of Roeding Park insured the creation of an adequate base layout and framework of vegetation for the park. The influence of the Roeding's and landscape architect Johannes Reimers created a solid foundation for the park, which was then reconfigured in subsequent periods by the City of Fresno to meet the ever-changing needs of the public and their desire for a park with many attractions.

⁷ Roeding Park deed, April 7, 1908.

⁸ "Roeding Park is Called Boston Common of Fresno" *Fresno Morning Republican* (December 8, 1907). It is unclear if this early entrance/pergola and the current pergola near the streetcar shelter are the same feature.

⁹ "Roeding Park Zoo Is Classed Among Best in Country" *Fresno Bee* (November 11, 1936).

¹⁰ "Fruit and Flowers: A Visit to Roeding's Fancher Creek Nursery" *Fresno Morning Republican* (January 15, 1895).

¹¹ "Roeding Park is Already Bringing Fame to Fresno as a Beauty Spot" *Fresno Morning Republican* (January 1, 1910).

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Early Improvements: Establishing the Park (1912 to 1923)

In 1912 electric streetcar lines were extended from downtown Fresno to Roeding Park and provided much needed public access to the park. Fresno's electric streetcar system was established in 1902 by the Fresno City Railway Company, which later was operated by the Fresno Traction Company. The establishment of streetcar service to the park marked the importance of the park as an asset to the City and the desire for all classes of citizens to access and utilize the park. The Fulton Line was laid on West Olive Avenue and cut diagonally west through the park and terminated at rural Mountain View Cemetery beyond the southwestern boundary of the park.¹² The stone streetcar shelter and wisteria-covered pergola, which featured a stairway leading to the shelter, are located near the center of the park and were constructed at this time to serve the streetcar line.

In an article from 1913, Park Superintendent W.C. Claybaugh assessed Johannes Reimers' design and layout for the park, saying:

"...I must say that he has striven for too much forest park growth at the expense of landscape effects. Roeding Park is not laid out exactly according to the best modern landscape ideas...[the park has] no specialized features to attract the visitor from the beaten track of travel on these principal walks and drives, yet with possibilities offering themselves at every turn, and which the magic hand of the landscapist can develop into artistic effects."¹³

Roeding Park was founded upon the principles of nineteenth-century park planning, which were promoted by designers such as Frederick Law Olmsted and focused on the creation of pleasure grounds that provided an area of respite from city life and encouraged an appreciation of nature. As Superintendent Claybaugh's remarks indicate, the City of Fresno was interested in creating a park that would become an area for recreation and enjoyment, which needed to be balanced with the park's founding as a scenic pleasure ground.

In 1915, physical improvements were made to the park, including the widening of many of the roads. Landscape painter Stephen Child was called to Fresno in 1915 to assess the changes to Roeding Park during this first period of alterations. Child discussed the original concept of the park as a scenic landscape for the enjoyment of the citizens of Fresno, and the potential that subsequent additions would spoil the natural and scenic beauty of the park. Child published his findings in the *Fresno Morning Republican*, where he stated: "to meet the varying needs and tastes, such a park must have other features, recreational, athletic and so on. As far as area and funds allow, these should be provided, but never permitted to interfere with the central purpose."¹⁴ Child's report went on to describe that such parks should have units for a variety of activities including the enjoyment of water, a paddock for animals, areas for athletics, carefully designed roads, and simple park structures. Child emphasized that all of these units should be unobtrusive and not interfere with the overall character of the park's "natural" setting.

Other improvements to the park during this period included 16,000 feet of new pedestrian pathways, 100 new concrete benches, rustic bridges over the ponds, and the addition of tennis courts in 1913.¹⁵ A new permanent pressure water system was installed in 1914. A children's playground was developed within the Umbrella Grove sometime in the 1920s. Physical improvements were undertaken in the early 1920s to give the zoo a more permanent presence within the park.¹⁶ In 1921, the City purchased 40 acres at the southwest portion of the park from the Roeding family to expand the park's

¹² Charles W. Clough, et al. "Fresno County in the 20th Century: From 1900 to the 1980s" volume 2 (Fresno, CA: Panorama West Books, 1986): 450.

¹³ "Embellishment Work Proposed at Roeding Park Contemplates a \$50,000 Bonded Indebtedness" *Fresno Morning Republican* (July 20, 1913).

¹⁴ "Report of Stephen Child on Roeding Park Received by Local Park Commission" *Fresno Morning Republican* (April 11, 1915).

¹⁵ "Much Work Done at Roeding Park" *Fresno Morning Republican* (December 21, 1913).

¹⁶ "Roeding Park Zoo" *Fresno Magazine* vol.4 (2) (September 29, 1970): 22.

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total size to 148 acres. Mr. and Mrs. A.V. Lisenby donated a bandstand to the park in 1923, which was one of the first permanent buildings in the park.¹⁷ Located to the northeast of the zoo, the bandstand became a center of community activity and hosted weekly concerts by the Fresno Military Band, Fresno Concert Band and others. In 1923 an auto tourist camp, which provided free camping in the park for tourists at an unknown location within the park, was closed after it was taken over by individuals who were living in the camp.¹⁸

The year 1923 marks the first official reference to the Roeding Park Zoo in City records, with acknowledgement of the donation of two brown bears to the zoo.¹⁹ The zoo was featured in an illustrated article in the Fresno Morning Republican that same year, and was described as a "miniature zoo" with monkeys, deer, ducks, turtles, birds, rabbits, elk and a variety of other animals.²⁰ By this time, the Roeding Park Zoo already had an established presence in the Fresno community and the pace of its growth was quickening.

In 1923, George C. Roeding resigned from the City Parks Commission after an argument over Roeding Park.²¹ Roeding's resignation in 1923 clearly marks the beginning of the end of his family's official association with the park. Roeding's resignation marked the beginning of the shift from the early period of park development under the influence of the Roeding family to a new period of City-initiated development of the park, under which most of the "built" features and monuments were added to the landscape.

Memorial Period and WPA Era Improvements (1924 to 1939)

The City purchased another forty acres from the Roeding family in 1924 to extend the park to the northwest. By 1925, many improvements had been made including new cages and improvements within the zoo to "provide dry, sanitary and artistic quarters" for the animals, as well as infrastructure improvements to provide parking, water, and lighting throughout the park.²² Nurseryman P.M. Rasmussen was hired around this time and took leadership in improving the health of the parks abundant trees and other vegetation. In 1926, Rasmussen proudly boasted that "the park was composed of thousands of varieties of the finest trees in the world, besides the 112 acres of lawn."²³ Prior to Rasmussen's tenure, George Roeding had acted as the park's nurseryman, tending the trees and landscape in the park donated by his family. George Roeding died in 1928, and after that time management of the park became more formalized. A stone memorial was dedicated to the park in memory of George Roeding in 1929 (called the George C. Roeding Monument).

Park development continued slowly through the Great Depression of 1929, and around this time the City first began to focus on making the park a recreational destination for the middle class. A Japanese Tea Garden was erected in the park in 1930 and featured a 20' by 20' pagoda, over 1,000 plants, three fountains and two ponds.²⁴ The tea garden was located at the southwest corner of the park, and was a scenic feature of the park with rustic architectural elements. Other major improvements completed in the early 1930s included new quarters for bear, raccoons and monkeys constructed in the zoo (1931), the dedication of the George Washington Memorial bust and tree grove located in the southwest portion of the park (1932), the establishment and cultivation of a nursery in the park (1934), and the enlargement of the Lisenby Bandstand to accommodate an organ that had formerly been located in another area of the park (1934).

By 1936, several Works Progress Administration (WPA) projects were completed in the park as part of the larger national

¹⁷ City of Fresno Building Permit, bandstand, August 15, 1922.

¹⁸ Clough, 398.

¹⁹ Russell, "Roeding Park: A Community Center," 6.

²⁰ "Animals Pose for Pictures at the Zoo" *Fresno Morning Republican* (April 16, 1923).

²¹ "Monument Commemorates 35th Anniversary of Gift" *Fresno Bee* (May 23, 1939).

²² "200 Animals Given New Beautiful Homes, Park is Beautified" *Fresno Bee* (November 20, 1925).

²³ Russell, "Roeding Park: A Community Center," 3.

²⁴ "Japanese Tea Garden to Open in Park" *Fresno Bee* (November 8, 1930).

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effort to create jobs after the 1929 Depression. These WPA projects included the construction of two enclosed cages for lions in the zoo, the construction of Lake Washington at the southeast corner of the park, the addition of outdoor lighting to the tennis courts, improvements to the sewer system and the addition of a sprinkler/irrigation system.²⁵ Prior to this period, the park's water system was served by one pumphouse, which was not adequate to serve the irrigation needs and water features of the large park. A 1936 newspaper article stated that by this time the Roeding Park Zoo was one of the best in the country.²⁶

In commemoration of the 35th anniversary of the original gift of Roeding Park land to the City of Fresno, George Roeding's sons, Frederick and Henry Roeding, donated a large granite monument with a bronze plaque in memory of their grandparents Frederick and Marianne Roeding in 1939 (called the Frederick and Marianne Roeding Monument).²⁷

This period saw many physical improvements to the infrastructure and features of the park and zoo, the dedication of several monuments to local and national leaders, and significant alterations and additions to the park landscape. Despite these improvements, in the early 1930s, rural streetcar lines to the north of Fresno (including the line servicing Roeding Park) began to suffer due to light passenger loads. Subsequently, electric streetcar service in the city was stopped in 1939.²⁸ The cancellation of streetcar service to Roeding Park marked the end of the park's early period of rapid growth and a shift in focus from expansion to improvement of existing park land, which included developing the zoo as a more prominent attraction within the park.

Shifting Focus Towards the Zoo (1940 to 1953)

During the early years of this period, changes were made to the park without a clear and cohesive plan and a few features were added to the park that did not have a permanent presence. As the park reached fifty years of age in 1953, necessary improvements were undertaken and the City embarked on the development to the first true master plan for the park and zoo. This was a significant departure from the character of earlier park improvements, which were often carried out in reaction to immediate needs and not according to a comprehensive long-term plan.

In 1943, the City demolished the Japanese Tea Garden, claiming that it was deteriorated. The political move to demolish rather than repair the garden seems to have been in response to wide-spread antipathy toward the Japanese due to their involvement in World War II. It resulted in the loss of one of the park's most prominent features. In 1944, the City moved the Fort Millerton Blockhouse (the oldest building in Fresno) to the park and located it near the Belmont entrance. The Blockhouse building became home to the Fresno Historical Society in 1954, but was later moved out of the park to the Fresno River Indian reservation sometime around 2005. In 1947, the War Department donated a tank to the park as a World War II memento, which was later removed.²⁹ These changes came about from donations to the City and were not part of any cohesive plan for the park.

In 1948, it was recommended that the City make major improvements. Three new picnic groves were added to the park during this period. Although the exact dates the new picnic groves were established are unknown, according to the Fresno Morning Republican, the Palm Point Grove was in place by 1946, the Cedar Grove was in place by 1948 and the Redwood Grove was in place by the early 1950s.

At this time, the City also recommended that the park employ an architect to redesign the Roeding Park Zoo, which up until this time had grown in a haphazard manner as needs arose for additional animal enclosures. Proposed improvements

²⁵ Clough, 452.

²⁶ "Roeding Park Zoo is Classed Among Best in Country" *Fresno Bee* (November 11, 1936).

²⁷ "Monument Commemorates 35th Anniversary of Gift" *Fresno Bee* (May 23, 1939).

²⁸ Clough, 452.

²⁹ Ibid.

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to the zoo totaled over \$20,000 and included a new monkey house, new barn for feed storage, and paddocks for larger animals. Budgeted improvements to the park included \$34,000 for a new water main system in the northeast half of park, \$2,400 for new lighting in the four main picnic groves, \$1,800 for a new men's lavatory in the eastern section of park, \$1,200 for a storage shed, \$600 to replace worn out picnic tables, funding for new water pumps and the repair of water mains, and replacement of the boundary fence on the east side of the park that was later removed for the widening of the Golden Gate Highway. Plans were made to install a combination rock and wire fence to guard the park from motor vehicles.³⁰

Towards the end of this period of development, the Roeding Park Zoo began to move away from cage enclosures and toward the construction of exhibits that created a much more open and natural setting within the existing zoo. In 1949, the Fresno Zoological Society was founded as an organization to support the Roeding Park Zoo and for the purpose of raising funds for the acquisition of animals for the zoo's collection. The construction of the Elephant House in 1949 marked a significant milestone in the evolution of the zoo, enabling the acquisition of its first large mammal, Nosey the Elephant. The children of Fresno raised funds for the acquisition of Nosey, who lived at the zoo until 1993 and was a prominent figure for the zoo and the Fresno community.³¹ Major improvements to the zoo during this period included the construction of the Seal Pool (1952) and Monkey Island (1953). In 1953, the Fresno Zoological Society took over operation of the zoo's concession stand.

Changes to the park during the later portion of this period included the construction of the granite Japanese-American World War II Memorial in 1950 at the east side of the park. Earlier anti-Japanese sentiment apparently overcome, the memorial commemorates the service of Japanese-Americans from the San Joaquin Valley during World War II. As a result of the revival of square and folk dancing in the 1930s through the 1950s, two folk dance platforms were added to the park at this time.

Expanding the Zoo (1954 to 1970)

Many changes took place during this period that resulted in the establishment and development of three distinct attractions within the park: the Roeding Park Zoo, Playland and Storyland. This period marks a transition in focus from creating a park-wide pleasure ground for scenic enjoyment, to enhancing the entertainment aspect of individual areas of the park. As a result of these changes, the Roeding Park Zoo established itself during this period as the main attraction within Roeding Park, overshadowing the park itself as a destination. This shift in focus is the reason that the Roeding Park Historic District's period of significance ends in 1953.

The most significant change during this period was the alteration of the park's western boundary as a result of the State Highway 99 project. In 1954, a 5.26-acre parcel at the southwest corner of the park was taken for construction of State Highway 99. In exchange, a 5.64-acre parcel at the northwest corner of the park was given to the City and incorporated into the park. A Memorial Rose Garden was planted on the new land acquired.³² The highway project also resulted in the loss of a portion of Lake Washington, which was reconfigured into its current shape.

The Amphitheater was constructed near the Lisenby Bandstand in 1954. In 1955, Rotary Playland was constructed in the southwest corner of the park just southeast of Lake Washington. Playland was designed as an amusement facility for children, similar to other kiddie lands constructed in the United States and California during this period. The Southern Pacific Railroad Company donated the Old No. 1238 Steam Locomotive to the park in 1956. The switch engine

³⁰ "Roeding Park May Be Redesigned" *Fresno Bee* (May 8, 1948).

³¹ Jean Chaffee files, Fresno Chaffee Zoo Office, Nosey the Elephant binder.

³² Clough, 430, 452.

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locomotive was originally constructed in 1918 by Baldwin Locomotive Works in Philadelphia.

Two picnic shelters were added to the park in the early 1960s and were modeled in style and form after the Streetcar Shelter. These large shelters were installed in the Palm Point and Pine groves. Two pump houses were constructed in 1961 to better facilitate the movement of water through the site to serve the water features. The Horseshoe Arena was constructed in the park sometime before 1961. The locomotive is located at the western side of the park. Storyland was constructed in the southwest corner of the park in 1962, over the former site of the Japanese Tea Garden. Storyland was modeled after Oakland's Children's Fairyland and was conceived of by artist Patricia Hopper, who designed all of the exhibits in Storyland.

Many significant changes were made to the Roeding Park Zoo during this period that propelled it in status as one of the three best zoos in California (along with the San Francisco and San Diego Zoos). This period saw the addition of the first moated exhibits, which encouraged a more natural zoo environment that was a departure from the earlier use of cages and fences. These exhibits included: the Galapagos Tortoise exhibit (1954), Giraffe Barn (1954), Flight Cage (1954), Polar and Grizzly Bear Grottoes (1955), Sun Bear exhibit (1956), Flamingo exhibit (1956), and Hippopotamus exhibit (1958).³³ By 1959, the zoo was almost double its original size at approximately eleven acres.

The first official zoo master plan was completed by architect James Oakes in 1961, and served as a guide for physical improvements to the zoo and provided a master acquisition list for animals to be added to the collection.³⁴ New exhibits added to the zoo as part of the master plan included: the Walk-Through Aviaries (1960), Ape Grottoes (1961), Rhinoceros exhibit (1963), Prong-Horn Antelope exhibit (1964), Fennec Fox cage (1964), alterations to the Hippopotamus exhibit (1964), and extensive landscaping throughout the zoo (1964). The first admission charge was instated at the zoo in 1963, and in 1964 the zoo entrance was completely reconfigured to accommodate the collection of admissions.

In 1965, Dr. Paul Chaffee was named the zoo's first director and all management responsibilities associated with the zoo shifted from the Fresno Zoological Society to the director. Chaffee first came to the Roeding Park Zoo in 1961 to serve as the zoo's veterinarian, and was responsible for encouraging great advancement in the zoo's reputation as a specialized facility that promoted research and the creation of natural habitats for animals.³⁵ Under Chaffee, the zoo exhibits were first heated and many of the older exhibits were rehabilitated or converted into new exhibits that were better sized and equipped to serve the animals. Examples of improvements that occurred during the later portion of this period include: construction of the Animal Nursery (1966), construction of the Predatory Bird Cage by Elso B. DiLuck (1967), alterations to the Elephant House (1970), and installation of signage and upgrades to the zoo pathways and landscaping. In 1970, the Western Regional Zoo Conference was held in Fresno, showing the influence of the newly improved Roeding Park Zoo throughout the state and region.³⁶

Reorganizing the Zoo (1971 to 1989)

During this period the zoo continued to be the main park attraction and several master plans were drafted for the zoo and updated as the needs and goals of the facility changed. A report on the zoo from 1971 described the continual need for improvements as follows: "In a specialized facility such as the Roeding Park Zoo, repairs, remodeling, and heavy maintenance are a perpetual process."³⁷

³³ "Important Dates in the History of the Chaffee Zoological Gardens of Fresno," Jean Chaffee files, Fresno Chaffee Zoo Office, updated c. 2002.

³⁴ Jean Chaffee files, Fresno Chaffee Zoo Office, "Zoo and Society History and Progress Outline" (July 15, 1970): 3.

³⁵ "Important Dates in the History of the Chaffee Zoological Gardens of Fresno."

³⁶ Roeding Park Zoo Report, Fresno City Parks and Recreation Commission, 1970. In the collections of the Fresno Public Library.

³⁷ Roeding Park Zoo Report, Fresno City Park and Recreation Commission, 1971. In the collections of the Fresno Public Library.

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Between 1968 and 1972 the "Zoo Master" was drafted, which was a new phased master plan that was commissioned because the zoo had reached maximum development within its existing boundaries. The Zoo Master outlined future development of the zoo and was completed by Elso B. DiLuck. The Zoo Master included plans to expand the zoo approximately eight acres along its south and west sides over a period of twenty years.³⁸ In 1974, the Zoological Society moved its offices to the rustic-style Zookeeper's House (constructed circa 1920) at the west side of the zoo.

The Zoo Master was updated in 1975 to reflect the contemporary conditions and needs for the zoo. Other improvements carried out as part of the update included the renovation of the Sea Lion exhibit (1975), remodeling of the concession stand and bear exhibits as part of the U.S. Bicentennial celebration (1976), construction of the Bison/Elk/Prairie Dog exhibit (1976), and construction of the Edward A. Kane Reptile House (1979). The Reptile House was a technologically innovative facility—the first of its kind to provide computerized climate controls for each individual exhibit unit.

In 1978, Proposition 13 was passed in Fresno and required that the zoo obtain private funding for its operation. This marked a big change in the zoo's management and fundraising. Between 1978 and 1984, nearly \$3 million in improvements occurred within the zoo. The aim of this movement was to eliminate the cages that remained from the zoo's early period when it was a collection of donated animals and update the facility to modern zoo standards. Several exhibits and facilities were added in the 1980s including the Asian Elephant Breeding Center (1982), the Doris and Carl Falk Wildlife Center (1983), the Wolf Woods exhibit (1984), the Tropical Rainforest exhibit (1988), and the Annex to the Doris and Carl Falk Wildlife Center (1989). Director Chaffee said that "with these latest projects, the zoo has turned the corner in its long-range efforts to implement a master plan that was developed in the mid 1970s."³⁹

In 1985, the Roeding Park Zoo was renamed the Fresno Zoo, recognizing the importance of the facility as one of the best zoos in California by more closely aligning its identity with that of the City, which in turn symbolically separated the zoo from the park.⁴⁰

Although the focus during this period was on the zoo, there were a few major improvements within Roeding Park as well. In 1974, "a perimeter roadway constituting the main drive through Roeding Park was constructed with Federal Revenue Sharing Funds" and all underground utilities were installed as part of the expansion of the zoo outlined in the 1968 Zoo Master.⁴¹ Additional tennis courts were also added to the park in 1980.

Fresno Chaffee Zoo (1990 to Present)

In 1990, the zoo was renamed again as the Chaffee Zoological Gardens, in recognition of Dr. Paul Chaffee's long and influential association with the zoo up until his death in 1990. The Australian Aviary was completed in 1991 and shortly after, a new zoo master plan was adopted in 1992. As part of the new master plan, the west entrance and parking lot were added and fencing was put up around the northeast area of the zoo to include the Wildlife Center, Amphitheater and Bandstand within the zoo boundaries. This resulted in the separation of the Bandstand from the greater park, which obscured the original relationship of this feature to the park rather than the zoo.

Around 1992, the Zoo's Administration Office was moved from the Zookeeper's House to the Parks Division Office building near the Belmont entrance to the park (now known as the Fresno Chaffee Zoo Administration Office, constructed circa 1935). The Zookeeper's House subsequently was used as a residence and staff lounge. A new master

³⁸ "Council Okays Zoo Plan" Unidentified article (1972).

³⁹ "Sign of the Times" *Fresno Bee* (April 4, 1985).

⁴⁰ Ibid.

⁴¹ "Roeding Park Zoo" *Fresno Magazine* vol.4 (2) (September 29, 1976): 27.

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plan was adopted by the zoo in 1996. Examples of improvements to the zoo completed during this period include completion of the Animal Hospital (1998) and the Sunda Forest exhibit (2001).

The City of Fresno presented \$50,000 to Rotary Playland to repair the facility in 2000. Wear and tear had closed eight of the eleven rides and these funds were necessary to continue operation of Playland.⁴²

In 2004, Ballot Measure Z was passed and provided 100 to 200 million dollars over 10 years for capital improvements, operations and maintenance of the zoo. In 2006, the private non-profit Fresno Chaffee Zoo Corporation took over operation of the zoo from the City. The name of zoo was changed to the Fresno Chaffee Zoo in 2006 to reflect this change. The Zoological Society was disbanded at this time. The Zoo Corporation began development of a new master plan in 2006 to utilize the Measure Z funding over the next ten years and is the plan under which the zoo it is currently operating.

National, State and Local Context

Development of Recreational Parks for the Middle Class

In the late eighteenth century, Frederick Law Olmsted and his colleagues began to cultivate municipal parks in the United States based upon the principles of the European pastoral picturesque movement in landscape design. These early municipal parks, including Central Park in New York and Golden Gate Park in San Francisco, were meant to serve as pleasure grounds and provide a country escape from the evils of the city for elite. The location of pleasure grounds at the outskirts of cities often made them accessible only to the upper classes, who could afford transportation outside the city. Pleasure grounds, also called ornamental parks, were often donated by prominent citizens and designed to create an ideal picture of nature and to facilitate activity. These parks included walking paths, water features, ball fields and other landscape design features to promote outdoor recreation. Early pleasure grounds often included menageries and animal paddocks to provide amusement and education about animals. Architecture in the parks was discouraged during this period, as buildings were seen as intrusions into the scenic landscape that parks were intended to create. Buildings were accommodated only where necessary and were sited so as not to interfere with the appearance of landscape design features.⁴³ Pleasure grounds flourished in America from about 1850 to 1900 and laid the foundation for many of our country's most beloved parks.

Beginning around 1900 and continuing through the 1930s, the reform movement began to influence the design of municipal parks. During this period, due to tighter regulation of industry, the concept of leisure time was first introduced as working hours were decreased and vacations were available to the working class. These reform parks were meant to provide organized activities for children and the working class and were managed by professionals such as social workers. Parks developed during this period were created for the middle class and were often located closer to the city or incorporated public transportation access. The playground movement also flourished during this period as play began to be seen as an activity that molded children into good citizens. Playgrounds were so popular during the period, that often they were inserted into existing parks. A wide range of activities was promoted in reform parks and included facilities for physical, social, aesthetic and civic enjoyment. Athletics were a primary focus of these activities and sports such as tennis and baseball were accommodated. During the reform era buildings became necessary to provide facilities for activities and building typologies such as the fieldhouse, an ancillary athletic facility that usually housed locker rooms and was associated with a stadium or playing field, began to evolve at this time.⁴⁴

⁴² "City Presents \$50,000 to Repair Playland" *Fresno Bee* (August 20, 2000).

⁴³ Galen Cranz, *The Politics of Park Design: A History of Urban Parks in America* (Cambridge, MA: MIT Press, 1992), 8, 15.

⁴⁴ Cranz, 65, 72, 96.

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The evolution of parks as recreational facilities evolved from 1930 to around 1965. With the abandonment of reform concepts after the Great Depression, parks were no longer seen as idealistic vehicles to social reform, but as necessary components of the urban landscape. Park facilities no longer needed a greater social justification and recreation was accepted as a crucial part of life and the demand for park facilities grew along with the population. Parks became bureaucratic institutions as well and the first park master plans were created to organize park development during this period.⁴⁵ As the park bureaucracy rose, the purpose of parks became obscured. Galen Cranz describes the social and political influence on parks during this period in her work, *The Politics of Park Design*, as follows: "depression and war provided park programmers with causes, and for the duration of these emergencies this helped to conceal their growing loss of direction."⁴⁶ Parks were seen as places to promote public good during these periods, as evidenced by the many Works Progress Administration projects carried out in parks in the late 1930s and the use of parks to sell war bonds and house other home front wartime efforts during World War II. As a result, the park became the foreground of community activity during this period. After World War II, the focus in park design was in repairing existing parks that had deteriorated during the Depression and War, and to construct new parks in the early 1950s in response to the post-war baby boom. In the later portion of this period, parks were seen as highly functional institutions and the form of these parks was very different from their early picturesque pleasure ground prototypes. Late recreation era parks were devoid of plantings in favor of hard surfaces, which were easier to maintain, and park infrastructure and site furnishings became a standardized kit of parts at this time. As parks became more function driven, the creativity of their design was often lost, as seen in the abundance of multi-functional buildings and parking lots constructed during this period.⁴⁷

In the late 1960s and after, parks became more specialized and were seen as important vehicles for local tourism. During this period the open space system evolved as competition for urban land precluded traditional park models and parks were seen as a means of providing much needed areas of open space for the urban population. As the middle class moved from the cities to the suburbs, new parks were created to cure urban blight as they took over vacant lots and converted them into pocket parks. This period also saw changes in the form and definition of urban parks, which now included bicycle lanes, urban waterfronts, plazas and pedestrian walkways.⁴⁸ By the 1970s, the first movement in the preservation of historic parks was begun with the listing of Central and Prospect Parks in New York City as National Historic Landmarks. By the end of the twentieth century, park design had come full circle, as park planners sought to reclaim some of the urban open space they had first recognized during the early twentieth century as necessary to the experience of American cities.⁴⁹

Development of Parks in Fresno

The earliest park in Fresno was Courthouse Park, a four block square first laid out in 1872 by the railroad company. This was the first park for Fresno residents and was laid out before the courthouse and town developed around the park. At least two private parks existed in Fresno in the early twentieth century—Recreation Park located at Ventura and Maple Avenues (laid out in 1902 and removed in 1922), and Zapp's Park located at Olive and Blackstone Avenues (laid out in 1904 and removed in 1921). These private parks featured amusement rides, menageries, pools and baseball fields.⁵⁰ Roeding Park, established in 1903, was the city's first public park of reasonable size and was the only such park in the city until the establishment of Woodward Park and Bird Sanctuary on the bluffs of the San Joaquin River near North Blackstone Avenue in 1970.⁵¹

⁴⁵ Ibid., 101, 109.

⁴⁶ Ibid., 110.

⁴⁷ Ibid., 114, 123.

⁴⁸ Ibid., 135.

⁴⁹ Ibid., 139.

⁵⁰ Clough, 452.

⁵¹ Ibid.

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Development of Zoological Gardens in the United States

The precursors to formal zoological gardens were the early-nineteenth century menageries of Europe, which were privately owned collections of animals that were established on private estates and sometimes evolved into traveling shows much like the modern day circus. With the establishment of large urban parks in the United States in the late-nineteenth century, small menageries were informally established in public parks, including Central Park, where animals were donated by the public as early as 1859; and Golden Gate Park, which had a collection of buffalo as early as 1890.⁵²

By the turn of the twentieth century, formal zoological collections were already established in such major cities as Philadelphia (Philadelphia Zoological Gardens, 1859), New York (Central Park Zoo, 1864), Cincinnati (Cincinnati Zoo and Botanical Gardens, 1875), and Washington, D.C. (National Zoo, 1889).⁵³ These early zoos consisted of small collections of animals in park-like settings, often designed by significant landscape architects as extensions of larger urban parks (such as Frederick Law Olmsted in the case of the National Zoo in Washington, D.C.).

As zoos gained popularity in the United States and were sponsored by cities, they became more complex and permanent institutions that evolved from rows of metal cages to more permanent animal enclosures. Between 1901 and 1905 zoological research was begun at the Philadelphia Zoological Gardens, and the first zoo-related scientific journal was published by the New York Zoological Society in 1907.⁵⁴ By the time the Roeding Park Zoo was first established in 1908, a national movement had already begun making zoos permanent city institutions. Archival research indicates that the Roeding Park Zoo was the first officially established municipal zoo in California, pre-dating the San Francisco Zoo (1929) and the San Diego Zoo (1916). Although several private, informal menageries existed in California before 1908, the Roeding Park Zoo was the first to be officially established in a public park and sponsored by a city. Between 1900 and 1949, seventy-seven zoos and six aquariums were established in the United States.⁵⁵

The first modern zoo was Carl Hagenbeck's Tierpark in Stellingen, Germany. Hagenbeck received world-wide attention in 1896 for his patented "barless" panoramic exhibit technique, in which he showcased his collections in open, naturalistic, moated, panoramic exhibits. The earliest zoos in the United States to incorporate Hagenbeck's "barless" technique were the Denver Zoo (1918), St. Louis Zoo (1919), Detroit Zoo (1920s), Chicago Zoo (1930s) and Cincinnati Zoo (1930s).⁵⁶ The Roeding Park Zoo and other early zoos gradually began to incorporate moated exhibits in the early-to-mid-twentieth century, in attempts to move away from the informal menagerie tradition and create more permanent facilities for display of animals in public parks.

Development of Kiddie Parks and Fairytale Parks in the United States

Kiddie parks and fairytale parks were largely a result of the post World War II baby boom, when many attractions were developed for the increased population of children in cities and towns throughout the country.⁵⁷ These parks features fantasy-themed amusements and were specifically constructed to exclusively accommodate children. Fairytale parks and kiddie parks can be differentiated from early ocean-side amusement parks such as Coney Island, Atlantic City, the Santa Cruz Beach Boardwalk, and theme parks such as Disneyland, which catered to both children and adults.

Fairytale parks were a special variety of kiddie park that featured characters from fairytales and nursery rhymes with the

⁵² Royston, Hanamoto, Alley and Abey, "Overview History of Golden Gate Park," *Golden Gate Park Master Plan* 1998: 2-1.

⁵³ R.J. Hoag, William A. Deiss, eds., *New Worlds, New Animals: From Menagerie to Zoological Park in the Nineteenth Century* (Baltimore, MD: The Smithsonian Institution and the John Hopkins University Press, 1996): 112.

⁵⁴ Vernon N. Kisting, ed., *Zoo and Aquarium History: Ancient Animal Collections to Zoological Gardens* (Boca Raton, FL: CRC Press LLC, 2000): 16.

⁵⁵ Kisting, 164.

⁵⁶ Ibid.

⁵⁷ Tim Hollis, "Disic Before Disney: 100 Years of Roadside Fun" (Jackson: University Press of Mississippi, 1999): 89-90.

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purpose of promoting literacy. Some of the earliest fairytale parks were created in the early 1950s in the Adirondack Mountains, and included such parks as Storytown USA, the Enchanted Forest of the Adirondacks, the Land of Make Believe, Magic Forest, and Santa's Workshop.⁵⁸ The popularity of kiddie parks and fairytale parks quickly spread throughout the United States in the early 1950s and 1960s with examples in Arizona, Georgia, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Wisconsin, and California.⁵⁹

Fresno's Playland, established in 1955, was one of the first kiddie parks in California, while Storyland, established in 1962, was one of the later fairytale parks in the state. Storyland was modeled after Oakland Children's Fairyland, which was constructed in 1950. Many of the early kiddie parks and fairytale parks in the United States have closed, as funding and the specialized mechanical parts and expertise required for the upkeep of these facilities became scarce. Fresno's Playland and Storyland are intact examples of these types of early amusement parks and two of only a handful of such parks remaining in California and the United States.

Important Persons

Frederick C. Roeding (1824-1910)

Frederick Christian Roeding was born and educated in Hamburg, Germany.⁶⁰ In 1846 he immigrated to South America and worked in the mercantile business in Chile and Peru. He arrived in California around 1849 to mine gold. Later, he was a member of the San Francisco firm Larco & Company, which owned a general merchandise store. He was heavily invested in the business until his retirement in 1878. While in San Francisco, Frederick Roeding served as a member of the Vigilance Committee, an organization of citizens who ensured that law and order was enforced in the city.⁶¹

In 1868 Frederick Roeding "and a group of German business associates formed the San Joaquin Valley Land Association, and purchased 80,000 acres between the San Joaquin and Kings Rivers in Fresno County."⁶² The San Joaquin Valley Land Association played an important part in the agricultural development of Fresno County as the first group to cultivate the land on a large scale. Frederick Roeding served as trustee of the Association, managing the farming and later the sale of the land. In 1872 the Central Pacific Railroad line was constructed directly through the property.⁶³ As a result, the acreage was divided and Frederick Roeding acquired eleven sections, while the remainder was sold to F.T. Eisen and Charles J. Hobler, among others. In 1879 Frederick Roeding sowed 320 acres of grain on his land bordering Fancher Creek east of Fresno to test the fertility of the soil and to attract new farmers to the area.⁶⁴ Frederick Roeding started a tree nursery on the 50 acres of the Fancher Creek land growing fig, fruit, olive and ornamental trees. The nursery (The Fancher Creek Nursery) was unsuccessful until his son, George Roeding, took over its ownership and management upon his father's death in 1910.⁶⁵

In 1898 Frederick Roeding offered to donate 230 acres of land situated to the north of the town to the City of Fresno for

⁵⁸ Rose Ann Hirsch, "Images of America: Kiddie Parks of the Adirondacks" (Arcadia Publishing, 2006).

⁵⁹ Debra Jane Selzer, "Roadside Architecture" Available online at <http://www.agillrynut.com/fairyparks/main.html>.

⁶⁰ Roeding Family History as told by Bruce B. Roeding, Available online at <http://www.saveroodingpark.org/roedinghistory.html>.

⁶¹ W.W. Elliott, *History of Fresno County, California with illustrations from original drawings* (Fresno, California: Valley Publishers, 1973), 256.

⁶² Russell, "Roeding Park: A Community Center," 2.

⁶³ Wallace Smith, *Garden of the Sun* (Los Angeles: Lymanhouse, 1939), 381.

⁶⁴ *History of Fresno County*, 257.

⁶⁵ Russell, "George C. Roeding-The Man and His Trees" *Fresno Past & Present: Journal of the Fresno City and County Historical Society* (Summer 1984, vol. 26 (2).

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a park. The only condition for donation was that the city should spend \$1,500 per year in the planting and developing of the park. At about the same time, August Weihe of San Francisco and another early landowner in Fresno offered to donate an additional forty acres immediately to the south of the Roeding tract. Both offers were declined by the City Council because it did not want to pledge the annual expenditure stipulated in the Roeding offer.⁶⁶

In 1903 Frederick Roeding again made an offer of land for a park. This time the 72 acres were accepted by the city and funds were appropriated for its development. Frederick Roeding donated an additional 47 acres to the city in 1908. In 1921 the city purchased an additional 35 acres from the Roeding estate and five acres from George Roeding's wife.

In July, 1910 while in San Francisco, Frederick Roeding died from a stroke at the age of eighty-six.

George C. Roeding (1868-1928)

George C. Roeding, Frederick's son, was instrumental in the development of the California fig industry. In 1897 he hand pollinated the Smyrna Fig with a toothpick and in 1903 published a monograph "The Smyrna Fig at Home and Abroad" detailing the introduction of the fig wasp to California. In 1911 George C. Roeding, founded the trade organization known then as the California Association of Nurserymen (now the California Association of Nurseries and Garden Centers).⁶⁷ He took an active interest in the development of Roeding Park and served as a City Park Commissioner, during which time he engaged Johannes Reimers to develop a master plan for the park. In addition, he donated many trees and shrubs from his nursery and exotic specimens he found on his travels.⁶⁸ Roeding's active role in the early layout and development of the park continued until his death in 1929, and he is considered a critical figure in the success of the park.

Johannes Reimers (1856-1953)

Johannes Reimers was born in Norway on December 31, 1856. He immigrated to the United States at a young age and settled in California, where he established himself as an artist working in pastels and oils. Reimers married Marie Arentz, also a recent immigrant, in 1883. In 1900 Reimers published a novel set in Norway entitled *Unto the Heights of Simplicity*. While a resident of San Francisco in 1907-1919, Reimers studied at the Institute of Art. His art work was exhibited at the Golden Gate Park Museum in 1915 and at the San Francisco Academy of Art in 1916. Today his works are in the collections of the Oakland Art Museum and the Art Institute of Chicago.

Reimers was also a landscape architect for the San Joaquin Division of the Santa Fe Railway. In 1903 he was hired to provide specifications and detailed drawings for the layout of Roeding Park and later designed Hobart Park, also located in Fresno. In 1906 he supervised the planting of trees, vines and shrubs at Jack London's Wolf House in Glen Ellen, California. The commissioners of Mooney Park, a 100 acre tract of valley oaks, in Tulare, California, retained Reimers in December 1910. Reimer died of pneumonia in San Leandro on August 22, 1953.⁶⁹

⁶⁶ "George Christian Roeding" *Nurseryman and Fruit Grower*, 64.

⁶⁷ Roeding Family History as told by Bruce B. Roeding, Available online at <http://www.saveroodingpark.org/roedinghistory.html>.

⁶⁸ "George Christian Roeding" *Nurseryman and Fruit Grower*, 65-67.

⁶⁹ Excerpted from Kurt Culbertson, in Birnbaum, Charles, Robin Karson, et al. *Pioneers of American Landscape Design*, Volume III (McGraw Hill, 2008).

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SIGNIFICANCE

National Register of Historic Places

The National Register of Historic Places is the nation's most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, resources over fifty years of age are eligible for listing in the National Register if they meet any one of the four criteria of significance and if they sufficiently retain historic integrity. However, resources under fifty years of age can be determined eligible if it can be demonstrated that they are of "exceptional importance," or if they are contributors to a potential historic district. National Register criteria are defined in depth in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*. There are four basic criteria under which a structure, site, building, district, or object can be considered eligible for listing in the National Register. These criteria are:

- **Criterion A (Event):** Properties associated with events that have made a significant contribution to the broad patterns of our history;
- **Criterion B (Person):** Properties associated with the lives of persons significant in our past;
- **Criterion C (Design/Construction):** Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components lack individual distinction; and
- **Criterion D (Information Potential):** Properties that have yielded, or may be likely to yield, information important in prehistory or history.

A resource can be considered significant on a national, state, or local level to American history, architecture, archaeology, engineering, and culture.

Criterion A (Event):

The Roeding Park Historic District is eligible for listing in the National Register under Criterion A (Event) in the area of community planning and development for its association with the pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century.

As a center of community activity, Roeding Park (including the Fresno Chaffee Zoo) followed national and state trends in municipal park development from early picturesque pleasure grounds to recreation-focused institutions with multiple attractions in the twentieth century. Roeding Park is an important regional example of this larger national and state movement in municipal park development and closely follows the development of associated municipal parks in California, including Golden Gate Park in San Francisco, Land Park in Sacramento, and Griffith Park in Los Angeles. Roeding Park is associated with the history and evolution of recreational park design in America and is a regional example of the acceptance of larger national design trends in response to the social, political, and economic influences in Fresno and California during its early development from 1903 to 1953.

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Criterion B (Person):

The Roeding Park Historic District is not eligible for listing in the National Register under Criterion B (Person). Although the park is associated with important Fresnoans, including Johannes Reimers, Frederick and Marianne Roeding, and George C. Roeding, these associations do not rise to the level of National Register eligibility.

Criterion C (Design/Construction):

The Roeding Park Historic District is eligible for listing in the National Register under Criterion C (Design/Construction) in the area of entertainment/recreation as a resource that embodies the distinctive characteristics of a type and period—early twentieth century municipal parks in California—and as a property that represents a significant and distinguishable entity whose components may lack individual distinction.

Roeding Park is an excellent example of the early twentieth century municipal park typology, which is defined by the evolution of parks from urban pleasure grounds to recreation-centered facilities in the early to mid-twentieth century. The early twentieth century municipal park typology is characterized by curvilinear pathways, expansive lawns, groves of trees, picnic areas, designed landscape architecture elements such as pergolas, and the incorporation of facilities for recreational and cultural activities such as tennis, baseball, outdoor concerts, and folk dancing. Roeding Park as it exists today offers a layered glimpse of this early twentieth century municipal park typology, and possesses all of the characteristics of this typology.

Criterion D (Information Potential):

The analysis of Roeding Park for eligibility under National Register Criterion D (Information Potential) is beyond the scope of this report. This criterion is typically reserved for archaeological resources, and therefore was not evaluated as part of this report.

Period of Significance

The period of significance for the historic district begins in 1903, when construction first began on the park, and ends in 1953, when the development focus shifted from the park as a whole to attraction-specific development of the Roeding Park Zoo and other amusement areas within the park. The insertion of State Highway 99 at the western boundary of the park in 1954, marked a physical transition away from the picturesque period of the park's original design and development. After 1953, the zoo became the main attraction within Roeding Park and was classified as one of the three best zoos in California (along with the San Francisco and San Diego Zoos). Within the established period of significance, the most pronounced periods of development occurred from 1903 to 1923, 1924 to 1939, and 1940 to 1953.

Fresno Chaffee Zoo

The Fresno Chaffee Zoo clearly exemplifies the historic evolution of zoos in the United States in the twentieth century as they transformed from caged menageries to master planned animal refuges in response to the ever-changing needs of zoos and their development into educational facilities. As a result of this evolution, the Fresno Chaffee Zoo exists today as a fragmented and layered snapshot of its periods of development and appears to show some physical evidence of each of these periods. As an individual site, the zoo retains little historic fabric from its early development periods and does not represent any clear historic period as it has continued to evolve in response to its user needs and program initiatives. Many of the individual features of the zoo have been altered over time and few retain sufficient historic integrity to convey its

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significance as an individual historic district. By itself, the Fresno Chaffee Zoo would not qualify as a separate National Register, California Register, or locally-eligible historic district, due to its lack of sufficient integrity. However, as a component of the larger Roeding Park Historic District, the zoo does contribute to the significance and integrity of the historic district. Individual features within the zoo boundaries or associated with the zoo that retain sufficient historic integrity to convey their significance as individual contributing features of the Roeding Park Historic District include the Lisenby Bandstand and the Zookeeper's House. Although, the construction of the Elephant House in 1949 marked a significant milestone in the evolution of the zoo, the building does not retain sufficient historic integrity to convey its significance and therefore does not contribute to the historic district. As an early component of Roeding Park, the Fresno Chaffee Zoo has been an important part of the history of the Roeding Park Historic District as it evolved from a picturesque pleasure ground to a major community attraction.

Playland

Playland (constructed in 1955) was developed outside the period of significance (1903 to 1953) identified for the Roeding Park Historic District. Although Playland is one of the few extant early amusement parks in California, its construction clearly marks a departure in the character of Roeding Park from a pleasure ground to an amusement facility in the later twentieth century. Therefore, Playland is not eligible for listing in the National Register, California Register or Fresno Local Register as part of the Roeding Park Historic District.

Storyland

Storyland is one of a few extant fairytale parks in California. Storyland, (constructed in 1962) is not yet fifty years old, which is the general estimate of time needed to develop historical perspective and to evaluate significance as identified in the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*. As a site that is less than fifty years of age, Storyland does not appear to have exceptional importance to qualify for listing to the National Registers under Criteria "Consideration G: Properties That Have Achieved Significance Within the Past Fifty Years." Storyland also marks a clear departure in the character of Roeding Park from a pleasure ground to an amusement facility and was developed after the period of significance (1903 to 1953) and therefore is not eligible for listing in the National Register, California Register or Fresno Local Register as part of the Roeding Park Historic District.

California Register of Historical Resources

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register.⁷⁰ Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

In order for a property to be eligible for listing in the California Register, it must be found significant under one or more of the following criteria:

⁷⁰ As described above, since this report finds Roeding Park to be eligible for listing in the National Register of Historic Places, the property is automatically eligible for listing in the California Register of Historical Resources. For the purpose of clarity, the detailed analysis is provided under the National Register and summarized under the California Register to show which criteria are applicable. Eligibility is also summarized under the local criteria below.

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- *Criterion 1 (Events):* Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- *Criterion 2 (Persons):* Resources that are associated with the lives of persons important to local, California, or national history.
- *Criterion 3 (Architecture):* Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.
- *Criterion 4 (Information Potential):* Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

According to the California Office of Historic Preservation, historic resources are automatically listed in the California Register of Historical Resources if they have been formally determined eligible for the National Register of Historic Places.⁷¹ Roeding Park has not been previously determined eligible for the National Register of Historic Places or the California Register of Historical Resources.

The "Fifty Year Rule"

In order to be determined eligible for listing in the National Register, resources less than fifty years of age must be shown to have "exceptional importance." This is not the case with the California Register. According to the California Office of Historic Preservation:

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.⁷²

Criterion 1 (Events)

The Roeding Park Historic District is eligible for listing in the California Register under Criterion 1 (Events) at the state level in the area of community planning and development for its association with the pattern of events that made a significant contribution to the development of municipal parks in California in the early twentieth century. Please see National Register Criterion A discussion above for detailed evaluation under this criterion.

Criterion 2 (Persons)

The Roeding Park Historic District is not eligible for listing in the California Register under Criterion 2 (Persons). Although the park is associated with important Fresnoans, including Johannes Reimers, Frederick and Marianne Roeding, and George C. Roeding, these associations do not rise to the level of California Register eligibility.

⁷¹ California Office of Historic Preservation, *Technical Assistance Series No. 10, California State Laws and Historic Preservation: Status, Regulations and Administrative Policies Regarding Historic Preservation and the Protection of Cultural and Historical Resources* (Sacramento, CA: California Office of State Publishing, 13 August 2002), 67.

⁷² California Office of Historic Preservation, *Technical Assistance Series No. 7, How to Nominate a Resource to the California Register of Historic Resources* (Sacramento, CA: California Office of State Publishing, 4 September 2001), 11.

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Criterion 3 (Architecture)

The Roeding Park Historic District is also eligible for listing in the California Register under Criterion 3 (Architecture) at the state level in the area of entertainment/recreation as a resource that embodies the distinctive characteristics of a type and period—the design of early twentieth century municipal parks in California. Please see National Register Criterion C discussion above for detailed evaluation under this criterion.

Criterion 4 (Information Potential)

The analysis of Roeding Park for eligibility under California Register Criterion 4 (Information Potential) is beyond the scope of this report. This criterion is typically reserved for archaeological resources, and therefore it was not evaluated as part of this report.

City of Fresno Local Register of Historic Resources

The City of Fresno maintains a Local Register of Historic Resources (Local Register), which includes buildings, structures, objects, sites and districts that have sufficient integrity and are significant in Fresno's history.⁷³ The evaluative criteria used by the Fresno Local Register for determining eligibility are generally based on those developed by the National Park Service for the National Register of Historic Places.

- *Criterion 1:* It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural heritage, or;
- *Criterion 2:* It is identified with a person or group that contributed significantly to the culture and development of the city, or;
- *Criterion 3:* It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or;
- *Criterion 4:* Structures within the area exemplify a particular architectural style or way of life important to the city, or;
- *Criterion 5:* The area is related to a designated historic resource or district in such a way that its preservation is essential to the integrity of the designated resource or Local Historic District, or;
- *Criterion 6:* The area has potential for yielding information of archaeological interest.

Criterion 1:

The Roeding Park Historic District is eligible for listing in the Fresno Local Register under Criterion 1 for its association with special elements of the city's cultural, social, economic, political, aesthetic, and architectural heritage. Roeding Park is associated with the pattern of events that made a significant contribution to the development of municipal parks in Fresno in the early twentieth century, and is also associated with the greater development of municipal parks in California. Please see National Register Criterion A discussion above for detailed evaluation under this criterion.

⁷³ Enns-Reimpel, Kevin, "A Guide to Historic Architecture in Fresno, California" – Local Register of Historic Resources, <http://www.historicfresno.org/14hr/index.htm>, accessed June 14, 2007.

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Criterion 2:

The Roeding Park Historic District is eligible for listing in the Fresno Local Register under Criterion 2 for its association with the George C. Roeding and the Roeding family—who made significant contributions to the culture and development of Fresno in the early twentieth century.

Frederick C. and Marianne Roeding donated the land for Roeding Park in 1903, which led to the creation of the city's first public park. Their son, George C. Roeding, took an active interest in the development of Roeding Park and served as the park's gardener and as a City Park Commissioner, during which time he engaged Johannes Reimers to develop a master plan for the park. In addition, he donated many trees and shrubs from his Fancher Creek Nursery and exotic specimens he found on his travels.⁷⁴ Roeding was largely responsible for the success of the Fancher Creek Nursery as an important San Joaquin Valley institution and the expansion of its influence nationwide. In 1895, the nursery was considered one of the largest and best tended in the country at 1,280 acres. In 1903, George Roeding published *The Smyrna Fig: At Home and Abroad* and in 1909 he published *Roeding's Practical Planter's Guide: The Result of Thirty Years Experience in California Horticulture*, a comprehensive guide for fruit growers. George Roeding was responsible for the great number and variety of trees planted in the park, and employed his skills as a nurseryman to cultivate the early vegetation of the park. Roeding's active role in the early layout and development of the park continued until his death in 1929, and he is considered a critical figure in the success of the park. The Roeding's generous donation of land made it possible for the city to establish its first municipal park and the influence of George C. Roeding in the development of the park led to its success in the early twentieth century and its establishment as an important recreational resource to the Fresno community, which continues today.

Criterion 3:

The Roeding Park Historic District is eligible for listing in the Fresno Local Register under Criterion 3 as a resource that embodies the distinctive characteristics of a type and period—the design of early twentieth century municipal parks in Fresno and California. Please see National Register Criterion C discussion above for detailed evaluation under this criterion.

Criterion 4:

The structures within the Roeding Park Historic District do not exemplify a particular architectural style or way of life important to the city, and therefore, Roeding Park is not eligible for listing in the Fresno Local Register under Criterion 4.

Criterion 5:

The Roeding Park Historic District is not related to any designated historic resource or district and therefore, is not eligible for listing in the Fresno Local Register under Criterion 5.

Criterion 6:

The analysis of Roeding Park for eligibility under Fresno Local Register Criterion 6 is beyond the scope of this report. This criterion is typically reserved for archaeological resources, and therefore it was not evaluated as part of this report.

⁷⁴ "George Christian Roeding" *Nurseryman and Fruit Grower*, 65-67.

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INTEGRITY

The process of determining integrity is similar for both the California Register and the National Register. The same seven variables or aspects that define integrity—location, design, setting, materials, workmanship, feeling and association—are used to evaluate a resource's eligibility for listing in the California Register and the National Register. According to the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, these seven characteristics are defined as follows:

- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- *Materials* refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history.
- *Feeling* is the property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

There is a crucial distinction between the two registers, however, and that is the degree of integrity that a property can retain and still be considered eligible for listing. According to the California Office of Historic Preservation:

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant or historical information or specific data.⁷⁵

Once a resource has been identified as being potentially eligible for listing in the National Register, its historic integrity must be evaluated. In order to be determined eligible for listing, these aspects must closely relate to the resource's significance and must be intact. The Roeding Park Historic District retains integrity of location, design, setting, materials, workmanship, feeling and association as described below.

Historical records, including local newspaper articles, building permits, and park archives, indicate that there were several alterations to the individual contributing features of the Roeding Park Historic District during the period of significance from 1903 to 1953, as well as subsequent alterations to many of these features after the end of the period of significance. Major alterations that occurred to the contributing features during the period of significance include the reconfiguration of Lake Washington to accommodate the State Highway in 1954 and the alteration of individual buildings and structures throughout the park. Documented alterations that occurred to contributing features after the end date of the period of significance include: an addition to the Zookeeper's House in 1962 and an addition to the Fresno Chaffee Zoo Administration Office at an unknown date. The exterior cladding and overhang of the Elephant House was removed and replaced in the 1960s and early 1970s, which ultimately diminished the historic integrity of this building so that it no longer retains sufficient historic integrity to convey its significance. Overall, alterations to the individual contributing features of the historic district have not affected the ability of the historic district to convey its integrity of design, materials and workmanship.

⁷⁵ California Office of Historic Preservation, Technical Assistance Series No. 6, *California Register and National Register: A Comparison* (Sacramento, CA: California Office of State Publishing, November 2004).

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Roeding Park is significant as a historic district because it is a single site that includes a significant concentration of buildings, structures, and objects. The Roeding Park Historic District possesses many characteristics that define the resource as a cultural landscape. According to National Park Service definitions, a property's combined character as a cultural landscape and historic district should not be separated when considering a property's historical significance, integrity, and potential for listing in the National Register of Historic Places.⁷⁶ The following landscape characteristics were identified for the property and define the overall character of the historic district: natural systems and features, spatial organization, circulation, topography, vegetation, buildings and structures, and small-scale features. These characteristics articulate the property's significance as a potential historic district and cultural landscape, and are based upon the accepted National Park Service methodology for the assessment of cultural landscapes. Character-defining cultural landscape characteristics for the Roeding Park Historic District include: its organization of a series of open spaces, made accessible via vehicular and pedestrian circulation systems, and accentuated by buildings, structures, vegetation and small-scale features, which frame the overall historic character of the property. These characteristics were designed in response to the site's topographical conditions, natural systems and features, and program concerns.

The park layout has been slightly reconfigured throughout its history as a result of an accumulation of improvements and changes that took place over time as the park was adapted to accommodate recreational uses, vehicle access and contemporary user needs. For example, roads were widened and re-routed as the zoo and other areas of the park expanded and changed, and features were added and subtracted as the desire for monuments, structures and other park features were realized. (See Roeding Park Historic District Boundary Map on page 10 for a graphic representation of the contributing landscape features and areas of the park). Despite these incremental changes, the overall character of the park's natural systems and features, spatial organization, circulation, topography, vegetation, buildings and structures, and small-scale features has remained intact since the period of significance; and therefore, the property retains integrity of location, design, setting, materials, workmanship, association and feeling. As a whole the Roeding Park Historic District retains sufficient historic integrity to convey its significance throughout the entire period of significance from 1903 to 1953.

⁷⁶ Robert R. Page, *A Guide to Cultural Landscape Reports: Contents, Process, and Techniques* (Washington, D.C.: U.S. Department of the Interior, National Park Service, 1998): 9.

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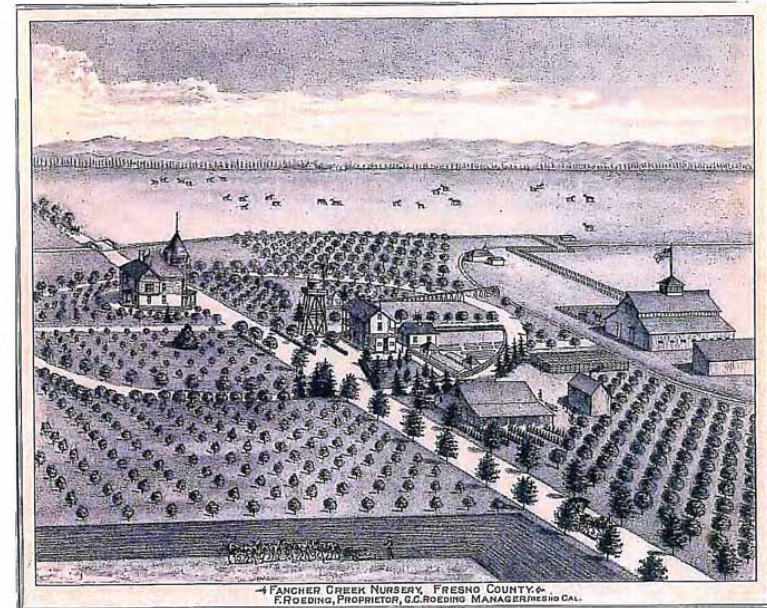
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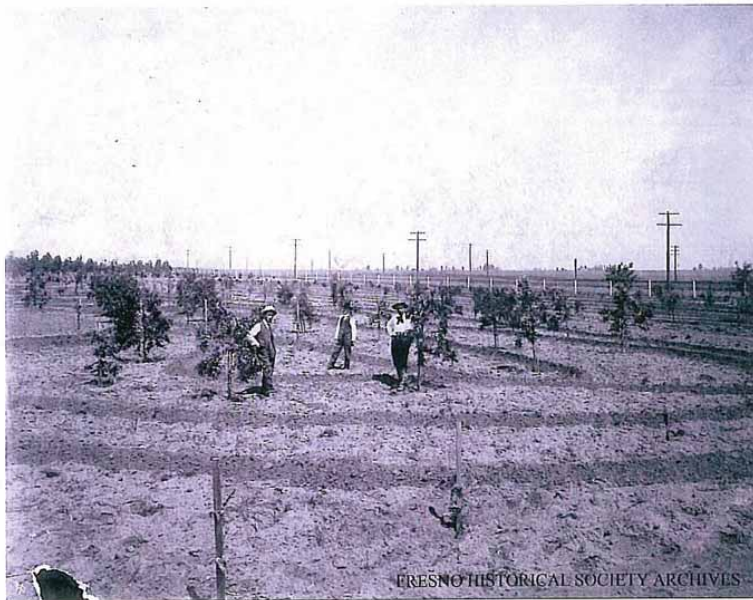


Source: Rumsey Map Collection.

Roeding's Fancher Creek Nursery, 1891.

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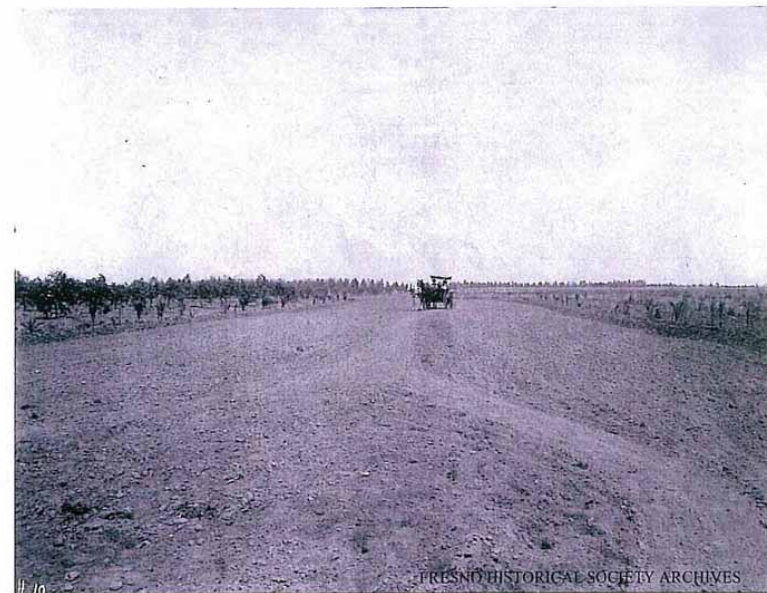
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Source: Fresno Historical Society.

Early view of Roeding Park showing young eucalyptus trees, 1904.

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Source: Fresno Historical Society.

Early view of Roeding Park roadway, 1904.

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Source: Fresno Historical Society.

Early view of Roeding Park, 1907.

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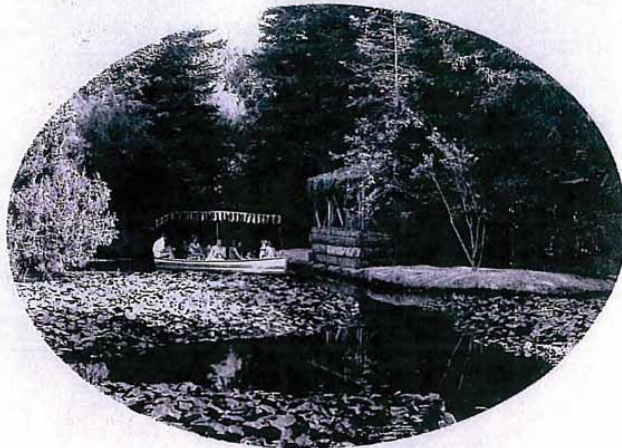


Source: Fresno Historical Society.

Early view of Roeding Park ponds, 1907.

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FRESNO HISTORICAL SOCIETY ARCHIVES

Source: Fresno Historical Society.

View of boating on Roeding Park pond, 1915.

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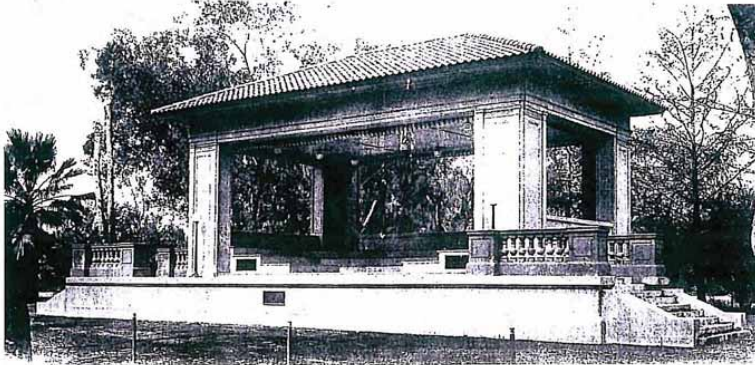
FRESNO HISTORICAL SOCIETY ARCHIVES

Source: Fresno Historical Society.

Roeding Park pond, no date.

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Source: "Memorial Dedication of the Lisenby Bandstand" Roeding Park brochure, April 22, 1923. Courtesy of the Fresno Historical Society.

Lisenby Bandstand, 1923.

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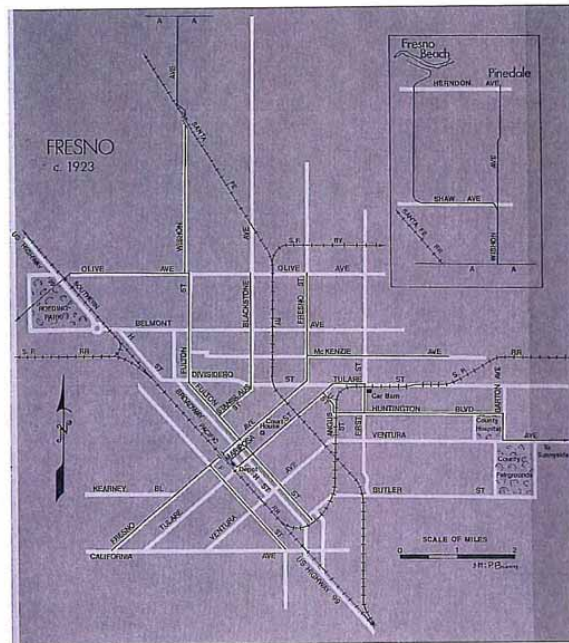


Source: *Fresno Post & Present*.

Lisenby Bandstand, unknown date.

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Source: Edward Hamm Jr. "When Fresno Rode the Rails" Available online <http://www.fresnofamous.com/node/4364>.
Map of Fresno's Streetcar system, circa 1923.

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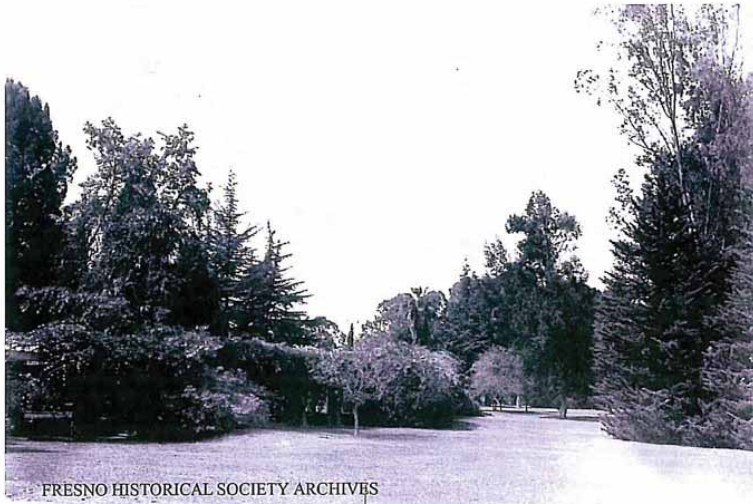


Source: Fresno Historical Society.
Roeding Park Pergola, circa 1920s.

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Source: Fresno Historical Society.
Roeding Park Pergola, 1940s.

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*Recorded by: Gretchen A. Hilyard, Page & Turnbull *Date July 31, 2009 ☒ Continuation ☐ Update



Source: "Japanese Tea Garden to Open in Park" *Fresno Bee* (November 8, 1930).
Japanese Tea Garden, 1930.

Attachment to Submission 711 (Scott Barton, Fresno Chaffee Zoo (Attny for), Wanger Jones Helsey PC, October 13, 2011) - FresnoChaffeeZoo_ExhibitD_CEQAfinal_2.pdf - Continued

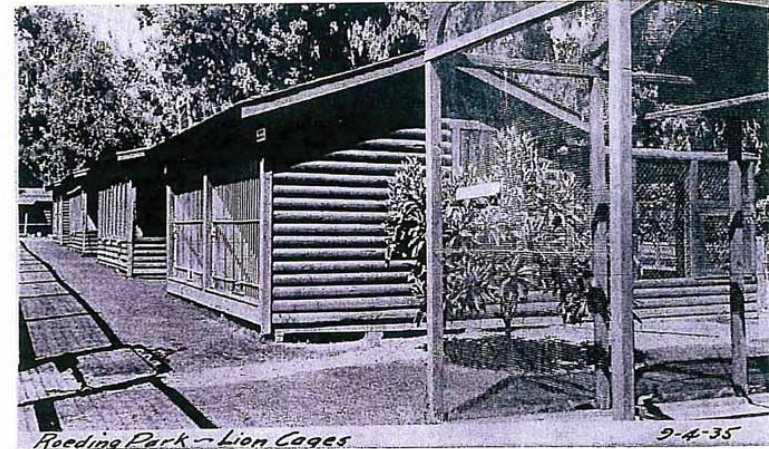
State of California & The Resources Agency	Primary#
DEPARTMENT OF PARKS AND RECREATION	HRI #
CONTINUATION SHEET	Trinomial
Page 50 of 68	
*Resource Name or # (Assigned by recorder) Roeding Park Historic District	
*Recorded by: Gretchen A. Hilyard, Page & Turnbull	*Date July 31, 2009
<input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Update	



Source: Fresno Historical Society.

Roeding Park Umbrella Grove, children's pool and shower (not extant), 1932.

State of California & The Resources Agency	Primary#
DEPARTMENT OF PARKS AND RECREATION	HRI #
CONTINUATION SHEET	Trinomial
Page 51 of 68	
*Resource Name or # (Assigned by recorder) Roeding Park Historic District	
*Recorded by: Gretchen A. Hilyard, Page & Turnbull	*Date July 31, 2009
<input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Update	



Source: Fresno Chaffee Zoo Archive, Jean Chaffee Files

Early lion cages at Roeding Park Zoo, 1935.

Submission 38 (Savita Patel, Fresno Motel, August 17, 2011)

Merced - Fresno - RECORD #38 DETAIL

Status : Action Pending
Record Date : 8/17/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 8/17/2011
Submission Method : Website
First Name : Savita
Last Name : Patel
Professional Title : Owner
Business/Organization : Fresno Motel
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93728
Telephone : 714-814-5371
Email : spatel559@hotmail.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : I would like to understand what the impact will be to the properties on North Motel Drive in Fresno, there is a stretch of Motel Properties along this street. I own property just north of Roeding park and West of the UPRR on Golden State Blvd. Thus far, the EIR/EIS has been very vague regarding this stretch of the Merced-Fresno section. Will the properties on this corridor be closed down as Golden State Blvd is pushed west? Are the properties going to be partially taken or completely is a sound wall going to be produced as two rail corridors will be very loud. This movement and closure of Golden State Blvd is going to be very impactful to the businesses along the western side of the UPRR. Please advise!
EIR/EIS Comment : Yes

38-1
38-2
38-3

Response to Submission 38 (Savita Patel, Fresno Motel, August 17, 2011)

38-1

See MF-Response-SOCIAL-1.

38-2

See MF-Response-NOISE-6.

38-3

See MF-Response-SOCIAL-3.

Submission 359 (Savita Patel, Fresno Motel, September 26, 2011)

Merced - Fresno - RECORD #359 DETAIL

Status : Action Pending
Record Date : 9/26/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/26/2011
Submission Method : Website
First Name : Savita
Last Name : Patel
Professional Title : Owner
Business/Organization : Fresno Motel
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93728
Telephone : 714-814-5370
Email : spatel559@hotmail.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :
EIR/EIS Comment : Yes

359-1

The plan for the Golden State Blvd corridor, in Fresno between Olive and McKinley does not take into account the change in business atmosphere as the closure of Golden State Blvd. limits the traffic that will pass by the Motels on this corridor. You are also turning a four lane street into two and pushing the entire street onto the properties. This impact is significant to the businesses on this street as property frontage and signage will be destroyed. Why not simply purchase the properties as they will not be profitable at the end of this project?

Response to Submission 359 (Savita Patel, Fresno Motel, September 26, 2011)

359-1

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-3. Golden State Boulevard would only be closed between Olive Avenue and Belmont Avenue. North of Olive Avenue the roadway would be narrowed. Refer to Volume III: Alignment Plans and Other Appendices for detailed information.

Submission 459 (Jean Watt, Friends of Harbors, Beaches, and Parks, September 30, 2011)



FHBP Board of Directors
Jean Watt, President
Manny Kessler, VP
Vikki Swanson, Treasurer
Carolyn Wood, Secretary
Stephanie Barger
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Jim Carr
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Helen Higgins
Bob Joseph
Amy Litton
Tom Maloney
Tina Thompson Richards
Theresa Sears
Mike Wellborn

Supporting Organizations
Amigos de Bolsa Chica
Audubon, Sea & Sage Chapter
Caspers Wilderness Park
Volunteers
Earth Resource Foundation
Equestrian Coalition of O.C.
Great Park Environmental
Coalition
Huntington Beach Wetlands
Conservancy
Huntington Beach Wildlife Care
Center
Laguna Canyon Conservancy
Laguna Canyon Foundation
Laguna Greenbelt, Inc.
Sierra Club, Orange County
Surfrider, Newport Beach
Stop Polluting Our Newport
Upper Npt Bay Naturalists &
Friends
St. Mark Church Ecophilians

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Dan Silver, M.D.
Nancy & Jack Skinner, M.D.
Dick Zembal

Post Office Box 9256
Newport Beach, CA 92658-9256
949-399-3669
www.fhbp.org

September 22, 2011

09-30-11P05:00 RCVD

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Extension of Comment period for Merced to Fresno
And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

This letter is submitted on behalf of Friends of Harbors, Beaches and Parks (FHBP), a non-profit organization concerned primarily with parks and open space in Orange County but, because of the regional and statewide policies that affect parks, open spaces, and agricultural land, we are concerned with the significant negative effects of the currently proposed high speed train project throughout the state.

On behalf of FHBP, I am requesting that your Board take immediate action to provide an adequate comment period for the above-noted environmental review documents. Specifically, we urge the Authority to extend the time to comment on these two EIR/EIS documents until mid February, 2012, thus providing members of the public and those directly affected by the proposed project with at least 6 months to respond and provide comments.

Since this is a statewide project, which the Authority has chosen to review in segments, a competent and truly responsive set of comments on the impacts that will be created on any particular segment must take into account the impacts of the proposed project on other segments.

We believe that the existing comment period is inadequate and denies due process to those seeking to comment on the EIR/EIS. The initial 45 day comment period, later extended only 15 additional days to October 13, 2011, is insufficient to allow any meaningful comment on 17,000 page of documents. The 60 day review period fails to meet CEQA requirements because it fails to provide and "adequate time" to review the mass of material only lately released for public review and comment. (CEQA Guidelines §15203)

Thank you for your concern in this very important matter.

Sincerely, *Jean H. Watt*

Jean H. Watt, President

459-1

Response to Submission 459 (Jean Watt, Friends of Harbors, Beaches, and Parks, September 30, 2011)

459-1

See MF-Response-GENERAL-7 and MF-Response-GENERAL-22.

Submission 472 (Dushan Spadier, George Dakovich & Son, Inc., October 6, 2011)

Merced - Fresno - RECORD #472 DETAIL

Status : Action Pending
Record Date : 10/6/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/6/2011
Submission Method : Website
First Name : Dushan
Last Name : Spadier
Professional Title : VP
Business/Organization : George Dakovich & Son, Inc.
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93722
Telephone : 559-277-8092
Email : dushan@spadier.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues : i am opposed to your plan since i found out how many people and businesses are impacted. Your plan could not be worse even if you let a elementary school kid lay it out! there has to be an alternate route that does not affect so many existing improved properties. please find a different route throught the Ashlan to Herndon right of way!
EIR/EIS Comment : Yes

472-1

Response to Submission 472 (Dushan Spadier, George Dakovich & Son, Inc., October 6, 2011)

472-1


See MF-Response-GENERAL-14, MF-Response-SOCIAL-1, and MF-Response-SOCIAL-2.

Submission 817 (John Ghosop, Ghosop Real Estate, October 13, 2011)

Comment Period Extended to
October 13, 2011

RECIVED
10-13-11P04:35 RCVD

está prolongado hasta del
13 de octubre de 2011

 **CALIFORNIA**
High-Speed Rail Authority

Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El período a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/
Nombre: John I Ghosop

Organization/
Organización: Ghosop Real Estate

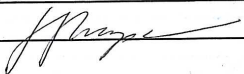
(Optional/Opcional)
Address/Domicilio: 400 N. E. St

Phone Number/
Número de teléfono: 559.332.1100

City, State, Zip code/
Ciudad, estado, código postal:
MADERA CA 93628

Email address/
Correo electrónico: John.sara.shelbi@msn.com

817-1

Please build along the UP-99 Corridors. Avoid
Farmland. Build a "straight" track, because
"speed" is the key! Build through Madera...
it will result in a huge improvement over
what is there now. Stick to building
without closing roads. Build at ground
level or below when there is a
choice. Many are looking forward
to using and seeing the HSR.
Thanks.


Response to Submission 817 (John Ghosop, Ghosop Real Estate, October 13, 2011)

817-1

See MF-Response-GENERAL-10.

Submission 381 (Garold D. Giersch, Giersch and Associates, Inc., September 23, 2011)

Comment Period Extended to
October 13, 2011

El periodo a nacer comentarios
está prolongado hasta del
13 de octubre de 2011



Comment Card
Tarjeta de Comentarios

09-23-11P01:44 RCVD

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/
Nombre: GAROLD D. GIERSCH, P.E.

Organization/
Organización: GIERSCH AND ASSOC., INC.

(Optional/Opcional)
Address/Domicilio: 421 N. I STREET

Phone Number/
Número de teléfono: 559-673-5981

City, State, Zip code/
Ciudad, estado, código postal:
MADERA, CA. 93637

Email address/
Correo electrónico: GARY.GIERSCH@GAT-ONLINE.COI

381-1 I am greatly concerned that the authority, Madera County and the State of California is leading both our county and state into a final state of bankruptcy that will harm the people of the state, Madera County and all residents of the State of Calif. The financial status of our nation is turning our federal, state and local governments into a government run enterprise, thus eliminating the strong private business enterprises that we should be supporting. The high speed rail system could be a good thing if our nation and local economy was solvent. We all know that our nation is so far in debt that it will take years to recover. Our state is billions of dollars in debt and will likely never recover. On top of all of this, it is hard to understand what the rail authority are thinking by supporting the spending of billions to build a high speed rail. If the authority would stop and survey our short and long range needs in the Central Valley, I'm certain the support would be different. There are many reasons why the state and local governments should not be supporting the high speed rail, nor should we be buying land for any portion of the system. The theory that the first leg would be built from Hanford to Madera would lead us to believe that the decision makers lack some sense of understanding where we are and what our needs are. Can the existing infrastructure in the valley last for the next 15 to 20 years while we spend billions of dollars building a high speed rail to nowhere? Keep in mind that our state is billions of dollars in debt. The high speed rail funds are coming from a bond and these funds will be paid back with interest. Or may the state first declare bankruptcy? That alone should cause all our friends and family to move to a different state. Think about what the building of this system will cost and who will be strapped to pay for it. Are these items worth the risk?

TURN OVER -->

1. Our state is bankrupt
2. Our counties and cities are operating on a shoestring and will likely have to find more areas to cut spending.
3. The high speed rail was estimated to cost 50 billion dollars. Since this estimate was made by people that normally under estimate, the high speed rail will more than likely cost anywhere from 150 to 200 billion dollars. Will our future generations be able to cover this kind of debt?
4. How many residents do you think will travel outside the Central Valley daily? Monthly? Yearly?
5. Does the authority have a true handle on the operating costs to run a high speed rail? Who will pay these costs?
6. Does the authority have any idea what a ticket will cost to ride the high speed rail?
7. Will the tax payers have to subsidize each ticket?
8. What makes you think that the unemployed people in the Central Valley will get any employment because of the high speed rail?
9. Do you know or have you established what year the total project would be completed?
10. How many of our farmers and businesses will be destroyed by the high speed rail? How will they received fair compensation for their property during this down economy period?
11. We are a business and professional vehicle centered society and that mode of transportation is our way of life. The high speed rail will never change the history of our nation. Regardless how simple our States views are, we will never be able to operate without a vehicle as our mode of travel and it won't be by high speed rail.
12. The immediate and long term need in the Central Valley is to build highways for trucks and cars. If you, the authority, thinks spending billions of dollars for a high speed rail is the way to improving our grid lock in the central valley for the next 50 to 100 years, then I would suggest you start looking for a new profession. The billions to be spent on a high speed rail to go nowhere should be spent on the infrastructure needed to lift the valley to new heights and restore our economy by putting the mass of unemployed back to work.
13. Two of the largest scams in the history of California is being perpetrated right before our eyes on the people of California; one, the state budget and two, the high speed rail.

Response to Submission 381 (Garold D. Giersch, Giersch and Associates, Inc., September 23, 2011)

381-1

See MF-Response-GENERAL-14.

Submission 241 (Robert Dowd, GLCDG Attorneys for JG Boswell Company, September 15, 2011)

Robert M. Dowd*
Robert W. Gin*
Randy L. Edwards
Jim D. Lee
Jeffrey L. Lewinson
Raymond L. Carlson
Ty N. Miran
Michael R. Johnson
Steven S. Dias
Ramon M. Hsu
Mario U. Zamora
Laura A. Wolfe

*a Professional Corporation


Griswold LaSalle
Cobb Dowd & Gin LLP

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September 8, 2011

VIA UPS NEXT DAY AIR SAVER
TRACKING NO. 1Z F74 78R 13 9995 0584

Board of Directors
CALIFORNIA HIGH SPEED RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Extension of Draft EIR/EIS Comment Period - Fresno to Bakersfield HSR
SCH # 2009091126

Dear Chairman and Members of the Board:

This letter is submitted on behalf of J.G. Boswell Company. The purpose of this letter is to request an extension of the comment period on the above Draft EIR/EIS for at least 6 months, through mid-February 2012.

The existing comment period is grossly inadequate and denies due process to those seeking to comment on the EIR/EIS. The initial 45 day comment period, later extended only 15 additional days to October 13, 2011, is plainly insufficient to allow any meaningful comment on 17,000 pages of documents.¹ See Appendix A for list of documents and page lengths. The 17,000 page total does not include any documents for the Merced to Fresno segment (SCH # 2009091125), which would bring the total to over 30,000.

The EIR/EIS is not user friendly. For example, Chapter 10 of the EIR/EIS lists 831 sources that are referenced in the report. In instances noted so far, these sources are referenced without internal citations, requiring the reviewer/commenter to obtain the document, review it, and make a judgment as to which part was intended to support the citation in the EIR/EIS. This lack of

¹It also appears the EIR/EIS and supporting documents are available in English only.

Lyman D. Griswold
(1914-2000)
Michael E. LaSalle
(flcrist)
Steven W. Cobb
(1947-1993)

241-1

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
September 8, 2011
Page 2

specific citations makes it difficult to determine whether a statement made in the EIR/EIS is supported by substantial evidence.

Due to the requirements of CEQA,² meaningful public comment is the key phase of the CEQA public review process. The CEQA process becomes a sham without it, and results in a denial of due process.

In 2004 the Authority released the Draft Program EIR/EIS for the Proposed California High-Speed Train System (SCH # 2001042045). The State Clearinghouse set a review period of February 13, 2004 to August 31, 2004, or 6 1/2 months, for this Program EIR/EIS. It neither makes sense, nor is there any good reason, why the review period for the Program EIR/EIS was more than 6 1/2 months while the review period for the much more detailed Project specific EIR/EIS is only 2 months.

In view of the above, we believe that at least a 180 day comment period is required, ending mid-February 2012 as measured from August 15, 2011. This matter requires Board, rather than administrative, attention, and, accordingly, we request this matter be placed on the agenda for a special meeting at the Board's earliest convenience. As the Board's next regularly scheduled meeting is not until September 22, 2011, the urgency of this issue demands it be dealt with before then.

We understand that the EIR/EIS was released on August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 day period is the minimum under CEQA Guidelines § 15105(a). This time period makes no allowance for the unparalleled scope of the project.

At the August 25, 2011 Board meeting, a petition signed by about 300 Kings County residents was submitted by Hanford-area farmer Frank Oliveira on behalf of the Citizens for California High Speed Rail Accountability (CCHSRA). These citizens asked for a 45 day extension, making for a total of a 90 day review and comment period. The request was not on the Board's meeting agenda, but staff did grant an additional 15 days to the original 45 day comment period for a total of 60 days. The comment period now ends October 13, 2011 which corresponds to the end date of the State Clearinghouse (SCH) review period.

²All statutory references to CEQA are to Public Resources Code §§ 21000 et. seq. CEQA's implementing regulations are known as the "CEQA Guidelines" and are set forth at 14 Cal. Code Regs. §§ 15000 et seq., and are referred to as "CEQA Guidelines § ____" or as "Guidelines § ____."

Submission 241 (Robert Dowd, GLCDG Attorneys for JG Boswell Company, September 15, 2011) - Continued

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
September 8, 2011
Page 3

241-1

The High Speed Rail (HSR) project is the largest and most expensive infrastructure project in the history of the State of California and even its component parts -- the Fresno to Bakersfield segment, or the Merced to Fresno segment, -- could fairly be estimated to be the largest infrastructure projects in State history, and certainly in the history of the San Joaquin Valley.

As stated above, the EIR/EIS for the Fresno to Bakersfield segment, select supporting documents, and technical data available at the Fresno-Bakersfield EIR/EIS web page consist of 17,000 pages (See Appendix A). Not all the documents referenced in the EIR/EIS are available at that web page. If one includes the EIR/EIS and related documents for the Merced to Fresno segment, the total pages to be reviewed approaches 30,000 or more. The sheer volume of material necessitates a significant extension of the review and comment period. Two basic reasons support the extension; these reasons are explained below.

I. **THE SIXTY DAY REVIEW PERIOD FAILS TO MEET CEQA REQUIREMENTS BECAUSE IT FAILS TO PROVIDE AN "ADEQUATE TIME" TO REVIEW THE MASS OF MATERIAL ONLY LATELY RELEASED FOR PUBLIC REVIEW AND COMMENT.**

CEQA Guidelines § 15203 states:

"The lead agency *shall* provide adequate time for other public agencies and *members of the public to review and comment* on the draft EIR or negative declaration that it has prepared." (Emphasis added.)

Adequate time is required not only because "Public participation is an essential part of the CEQA process" (CEQA Guidelines § 15201), but because the Legislature has declared that the purposes of the review period include:

- (a) Sharing expertise;
- (b) Disclosing agency analysis;
- (c) Checking for accuracy;
- (d) Detecting omissions;
- (e) Discovering public concerns; and
- (f) Soliciting counter proposals.

CEQA Guidelines § 15200.

Board of Directors
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Page 4

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The Legislature has declared:

"The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." Pub. Res. Code § 21000(a).

And;

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

There can be no question that CEQA and the CEQA Guidelines were developed to allow the public every possible opportunity to meaningfully participate in the EIR/EIS process.

Given the mere 60 day review period, none of the purposes of EIR/EIS review and comment can be served, for the following two major reasons:

1. The time for review that the Authority has chosen does not allow the public "adequate time" for public review and comment, as required by CEQA Guidelines § 15203. To examine some 17,000 pages within 60 days requires a person to read 283 pages per day and no time to prepare responsive comments. The initial review period of 45 days was simply more egregious and required 378 pages per day to be read.

In comparison, a 45 day EIR review and comment period was recently used for an ordinance by the City of Sunnyvale to prohibit single use plastic bags at grocery stores. (See City of Sunnyvale Single-Use Carryout Bag Ordinance Draft EIR, SCH #2011062032 August 2011). That EIR consisted of 210 pages which amounts to reviewing 4.6 pages per day. The High Speed Rail Authority (Authority) expects 61 times more effort per day just to read the mass of CEQA documentation for the Fresno to Bakersfield HSR project.³ Such an expectation is unrealistic, unfair, and does not meet the requirement of CEQA to have adequate review period. At the "plastic bag ordinance" rate of 5 pages per day, the review period for the 16,953 pages of the Fresno-Bakersfield HSR EIR/EIS would be 3,391 days or about 9.3 years (16,953 pages x day/5 pages = 3,391 days x 1 year/365 days = 9.289 years).

These simple metrics, of course, in no way imply that the Fresno-Bakersfield HSR project is in any way comparable to Sunnyvale's plastic bag ordinance project. The former is an infinitely

³Also this does not include the EIR/EIS for the Merced-Fresno segment.

Submission 241 (Robert Dowd, GLCDG Attorneys for JG Boswell Company, September 15, 2011) - Continued

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
September 8, 2011
Page 5

241-1

more complex project proposing vast, irreversible commitments of public and private resources on the largest scale in the history of the San Joaquin Valley.

Persons who wish to comment and share their expertise, provide analysis, check for accuracy, voice their concerns, and prepare counter proposals will never be able to do so because they will never be able to review all the documents and comment in a mere 60 days.

2. While the regulations typically allow for a 45 to 60 day comment period, the regulations also allow that time to be exceeded, without the need to otherwise stop the project, in "unusual circumstances." CEQA Guidelines § 15105(a). The HSR certainly qualifies as an unusual circumstance. In no way can the HSR project be compared to other projects in the history of the State of California and the San Joaquin Valley. Therefore, the 60 day period must be extended.

The Legislature has declared:

"... it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration [under CEQA] as that of private projects required to be approved by public agencies." Pub. Res. Code § 21001.1.

A private company would never be allowed to undertake a project of this magnitude and be subject to a mere 60 day review period. Given the scope of the project, it is difficult to imagine that there could be a more "unusual circumstance" that would allow the typical comment period to be extended.

The "unusual circumstances" provision of CEQA Guidelines § 15105(a) gives the lead agency the necessary flexibility to set the comment period consistent with the meaningful public participation and due process goals of CEQA. This flexibility eliminates the absurdity of a "one size fits all" rule which would provide equal 45 day review and comment periods to the Sunnyvale plastic bag ordinance and the Fresno to Bakersfield HSR project. Nor must we omit that the review and comment period for the Merced to Fresno Draft EIR/EIS runs concurrently, compounding the insufficiency of the allotted time.

The Legislature has also declared that it is the policy of the state that:

"Documents prepared pursuant to [EIR requirements] be organized and in a manner that will be meaningful and useful to decisionmakers and to the public." CEQA Guidelines § 21003.

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
September 8, 2011
Page 6

241-1

Given the sheer volume of the documentation, in order to make the documents "meaningful and useful" there must be adequate time to review them. With only 60 days, neither the decisionmakers nor the public can make the determination of whether the EIR/EIS documents satisfy that criteria because there is insufficient time to do so.

The Authority claims transparency in its proceedings but this claim rings hollow at this crucial juncture. The Authority's "Environmental Review Fact Sheet" states:

"The California High-Speed Rail Authority (CHSRA) and the Federal Railroad Administration (FRA) are the state and federal agencies responsible for the environmental review of the state's high-speed train system, and together they have implemented a more transparent, collaborative and inclusive approach to the EIR/EIS process than is typical or required, with state and local planning agencies, local communities and the general public integrated into the entire process." (Emphasis added.)

This statement is not true as to meaningful public participation and satisfaction of due process. The key point in the CEQA process is at hand and the 60 days allotted to review and comment on 17,000 pages of material for the Fresno to Bakersfield segment stacks the deck against the commenting parties. The point is exacerbated when the additional thousands of pages for the Merced to Fresno EIR/EIS are added.

II. THE SIXTY DAY REVIEW PERIOD DENIES DUE PROCESS TO INTERESTED PARTIES DUE TO THE LENGTH AND COMPLEXITY OF THE ENVIRONMENTAL DOCUMENTS FOR THE FRESNO-BAKERSFIELD HSR.

Any review period less than six months raises serious constitutional issues. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review 17,000 pages of documents associated with the Fresno to Bakersfield EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature has allowed the public to participate in the CEQA process as a participant and not just a spectator. By bombarding the public with documents without any hope for a complete review, the Authority has put the public on the sidelines, and due process will be violated should there be no extension.

Rights granted by CEQA must allow the public to have a meaningful review because the Legislature has recognized that "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

CEQA was enacted in 1970 and provides a detailed process for public review. It is a "powerful tool for citizen action and government accountability." Note, The Timber Harvest Plan

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Exemption from the California Environmental Quality Act: Due Process and Statutory Intent, 41 Hastings L.J. 727, 730 (1990). In fact, the purpose of the EIR/EIS is:

"... to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061.

Courts have called the EIR/EIS an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return." *Santiago County Water District v. County of Orange*, 118 Cal.App.3d 818, 822 (1981). To accomplish this purpose, CEQA statutes and regulations require that the public be made part of the process, including:

- Comments be accepted by the public at anytime during the EIR/EIS process (Pub. Res. Code § 21003.1(a));
- The lead agency must respond, in writing, to all comments received during the comment period (Pub. Res. Code § 21004);
- Relevant information should be made available as soon as possible to the public (Pub. Res. Code § 21003.1(b));
- Notice must be given to all those who have requested such when the draft EIR/EIS is complete (Pub. Res. Code § 21092);
- Draft EIR/EIS documents should be made available in local libraries (CEQA Guidelines § 15087(g));⁴
- The Public agency must publish notice in a paper of general circulation in the area of the proposed project (CEQA Guidelines § 15087(a));
- Public hearings on the documents are encouraged (CEQA Guidelines § 15087(i)); and

⁴Note that the Technical Appendices to the EIR/EIS, listed as nos. 4-43 on Appendix A, were not made available at local libraries. This is important because the appendices are referenced throughout the EIR/EIS.

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- An adequate public review period is required and can be extended in unusual circumstances (CEQA Guidelines § 15105) (emphasis added).

CEQA regulations take public participation so seriously that the process provides grounds upon which judicial review of the project may be obtained. CEQA Guidelines § 15112.

Because public review and participation is expressly granted by statute and regulation, any review period less than six months raises serious constitutional issues under the circumstances. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review some 17,000 pages of documents associated with the EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature intends for the public to participate in the CEQA process in a meaningful way; in this case, requiring sufficient and adequate time for review. By releasing to the public a large quantity of documents without any hope for a complete much less a meaningful review, the Authority has made the public a spectator, and due process will be violated should there be no significant extension of time to review and comment on the documents.

1. State Constitutional Issues

The CEQA statutes and regulations, as applied, violate California Due Process requirements because the Authority has failed to provide adequate time for EIR/EIS review. In order to remedy the as applied violation, sufficient time to review the EIR/EIS must be granted.

Due process safeguards in this context are analyzed with the principle in mind that all should be free from arbitrary adjudicative procedures. *People v. Ramirez*, 25 Cal.3d 260, 268 (1979). A fundamental concept of due process is "the right to a reasoned explanation of government conduct that is contrary to the expectations the government has created by conferring a special status upon an individual." *Id.* at 276. Here, CEQA statutes and regulations confer a special status on the public by requiring meaningful review; yet the Authority has taken away that right by imposing an unreasonable review period, and providing no explanation therefor.

To determine the level of due process required, courts examine:

1. The private interest that will be affected by the official action;
2. The risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;
3. The dignitary interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible governmental official; and

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4. The governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 269.

The private interest here is compelling; CEQA statutes and regulations mandate that the public be allowed meaningful and adequate review of the EIR/EIS. In this respect, the Legislature has already determined that the public has a significant interest in proper review.

The risk that the private interest will be erroneously deprived is high; in fact it is happening. Although the regulations allow the Authority to declare the most expansive and expensive infrastructure project in the history of California an "unusual circumstance" and provide additional time for public review and comment, the Authority has (so far) failed to do so and without any explanation. In addition, as the Authority is well aware, the review period ends the time that individuals may comment and preserve issues that must be on the record for judicial review. By completing the review period before it is possible for stakeholders to read the documents and provide comments, the Authority is also precluding meaningful review following the final EIR/EIS being issued. Rigid adherence to the 45 or 60 day periods mentioned in Guidelines § 15105(a) therefore guarantees denial of due process for projects of the scope of this EIR/EIS.

The dignity interest weighs heavily in favor of an extension of time. It is inconceivable that the public could be charged with reading and commenting on the EIR/EIS, only to find out that it is impossible to do so because there is insufficient time to read the documents in this case.

Finally, the governmental interest in providing additional time is identical to the private interests. The Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant interest in ensuring that its own statutes and regulations are followed, especially when no fiscal or administrative burdens are involved beyond the passage of time.

As the Federal Railroad Administration is the lead Federal agency designated on the HSR project, the purpose and requirements of the National Environmental Policy Act (NEPA) are also at issue. The purpose of NEPA review corresponds to CEQA review. Congress has declared, "... it is the continuing policy of the federal Government, ... in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." (42 U.S.C. § 4331). Therefore the purposes of NEPA also support the extension requested herein.

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2. Federal Constitutional Issues

Due process under the federal constitution requires that an entitlement exist under state law. There can be no question that the Legislature has entitled the public to a meaningful and adequate review of the EIR/EIS documents through the CEQA statutes and regulations. It is merely a question of what process is due.

Pursuant to *Mathews v. Eldridge*, 424 U.S. 319 (1976), to determine what process is due, the state should look at the private interests involved, the risk of an erroneous deprivation and value of additional safeguards, as well as the governmental interest.

Again, the public's interest is high; the public is entitled to a proper review under CEQA but such a review cannot be met in such a short and arbitrary time frame currently established by the Authority. Denial of that proper review, in turn, prejudices the rights of potential litigants who are subject to the exhaustion doctrine. Denial of adequate, proper, and meaningful review stacks the deck in favor of the project proponent, who here is also the reviewing agency. This conflict of interest between the duty of full, objective CEQA review and support of the HSR project is clearly brought out by the denial of a meaningful adequate public review and comment period.

The risk that rights may be erroneously deprived is high. By the Authority arbitrarily setting the review period in this circumstance such that it is impossible for the public to respond, a deprivation is not only possible, but is a certainty where no due process was given in setting the initial review period. As the Authority knows, EIR/EIS challenges must be made on comments lodged during the review period. What the Authority has done is present to the public a large volume of documents such that there is no possibility for all necessary comments to be included in the record, effectively precluding a proper legal challenge to the EIR/EIS documents following a finalization of those documents, and denying access to the courts.

Finally, the governmental interest, as under the state due process requirements, is in concurrence with the private interest. Again, the Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant legitimacy interest in ensuring that its own statutes are followed, especially when no fiscal or administrative burdens are involved.

Here, there has been no due process as to the setting of this review period. The setting of this review period for the same length for a local ordinance reflecting plastic bag usage, without an explanation or an opportunity to be heard and challenge the determination, violates the Fourteenth Amendment of the United States Constitution, as well as the California Constitution. As has been said many times, the fundamental requisite of due process of law is the opportunity to be heard, and

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that right has little reality or worth unless the public is informed and can choose for itself whether to participate. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). In this case, the public cannot know, and can never know under the limited review period what position and comments it should make relating to the EIR/EIS, had it been afforded an adequate review period.

"Due process is flexible and calls for such procedural protections as the particular situation demands." Mathews v. Eldridge, 424 U.S. 319, 334. In this situation, due process calls for a reasonable number of days to review the EIR/EIS and supporting documents. We ask for at least a 180 day review period, for all the reasons stated.

Very truly yours,

GRISWOLD, LaSALLE, COBB,
DOWD & GRN, L.L.P.

By: 
ROBERT M. DOWD

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APPENDIX A
LIST OF REPORTS
COMPRISING FRESNO TO BAKERSFIELD
DRAFT EIR/EIS
AND SUPPORTING DOCUMENTS

Below is a list of the documents posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS (nos.1-3) and related documents (nos. 4-43), with their page counts. The purpose of the compilation is to show the inequity and lack of due process afforded by the 60 day public review and comment period. Note that item nos. 4 through 43 are posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS and are referred to in the EIR/EIS. However, items nos. 4-43 are not included in the EIR/EIS and are not provided on the EIR/EIS cds given out by the HSRA office in Hanford. Also, items nos. 4-43 are not available with the hard copy EIR/EIS available for public review at the HSRA office in Hanford and at the Kings County Library in Hanford.

1.	EIR/EIS Volume I	1,556
2.	EIR/EIS Volume II	804
3.	EIR/EIS Volume III	940
4.	Transportation Analysis Technical Report Draft 8/11	242
5.	Figures for Chapters 4 and 5 above	199
6.	Appendix A Traffic Counts Data	537
7.	Appendix B Existing Synchro Output	423
8.	Appendices C through E, Future Assumed Improvements et al.	833
9.	Appendices F through I, Future Plus Project Synchro Output et al.	929
10.	Air Quality Technical Report Draft 8/11	168
11.	Air Quality Technical Report Appendix A Construction Emissions	713
12.	Noise and Vibration Technical Report 7/11	424
13.	Hydrology and Water Quality Technical Report 8/11	158
14.	Geology, Soils, and Seismicity Technical Report 7/11	92
15.	Hazardous Wastes and Materials Technical Report 8/11	188
16.	Appendix A Regulatory Database Search Report	4,287
17.	Appendix B PEC Site Summaries w/ Sanborn Map Review	10
18.	Appendix C Historic Topo Maps	168
19.	Appendix C Sanborn Fire Insurance Maps Part 1 of 4	61
20.	Appendix C Sanborn Fire Insurance Maps Part 2 of 4	61
21.	Appendix C Sanborn Fire Insurance Maps Part 3 of 4 (Pt. 4 beg. P. 62)	107
22.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part I	482
23.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part II	344
24.	Community Impact Assessment Technical Report 7/11	578

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25.	Aesthetics and Visual Resources Technical Report 7/11	218
26.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Text Volume 1 of 4	128
27.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendices A through G, I and J, Volume 2 of 4	264
28.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendix H Special Aquatic Resources Survey Results Figures, Volume 3 of 4	528
29.	Potential Jurisdictional Status of Aquatic Features in the Wetland Study Area Volume 4 of 4 6/11	52
30.	Checkpoint A	28
31.	Checkpoint A Letter 12/22/10	2
32.	Checkpoint B Summary Report 3/11	112
33.	Checkpoint B Appendix D Clean Water Act Section 404 Applicability Criteria, Union Pacific Railroad Alignment Alternative 3/11	138
34.	Checkpoint B Appendix E Summary Presentation of Environmental Resources and Constraints for the BNSF, UPRR and BNSF Avoidance Alternative Alignments 3/11	92
35.	Checkpoint B Appendix E-1a BNSF Alternative Alignment	262
36.	Checkpoint B Appendix E-1b UPRR Alternative Alignment	260
37.	Checkpoint B Appendix E-1c 3/11	260
38.	Checkpoint B Appendix E-2a Sheets 1-7	7
39.	Checkpoint B Appendix E-2b Sheets 1-7	7
40.	Checkpoint B Appendix E-2c Sheets 1-7	7
41.	Checkpoint B Letter 4/21/11	62
42.	Checkpoint B Letter 6/2/11	24
43.	Capital Cost Estimate Report 7/11	198
44.	TOTAL PAGES	16,953

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See MF-Response-GENERAL-7.

Submission 694 (Dr. Lee Boese, Jr., Greater Merced High-Speed Rail Committee, October 13, 2011)

Merced - Fresno - RECORD #694 DETAIL

Status : Action Pending
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Dr. Lee
Last Name : Boese, Jr.
Professional Title : Chairman
Business/Organization : Greater Merced High-Speed Rail Committee
Address : 177 W. El Portal Drive
Apt./Suite No. :
City : Merced
State : CA
Zip Code : 95248
Telephone : 916-595-0219
Email : elaine.trevino@ymail.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues :
To whom it may concern attached are the comments on the Merced to Fresno HST Draft EIR/EIS from the Greater Merced High-Speed Rail Committee. Please confirm receipt of the attached comments at your earliest convenience. For any questions pertaining to the attached you can contact Elaine Trevino, the consultant to the Committee at 916-595-0219. Thank you.
Elaine Trevino
California Strategic Solutions, Inc.
916-595-0219
EIR/EIS Comment : Yes
Attachments : October 13, 2011 Final GMHSRComments Merced to Fresno EIR-EIS.pdf (263 kb)



GREATER MERCED HIGH-SPEED RAIL COMMITTEE

177 W. El Portal Drive
Merced, CA 95348
209-240-5868

October 13, 2011

Mr. Roelof van Ark, Chief Executive Officer
California High-Speed Rail Authority
925 L. Street, Suite 1425
Sacramento, CA 95814

Re: Merced to Fresno Draft EIR/EIS Comments

Dear Mr. van Ark:

As you know, the Greater Merced High-Speed Rail Committee (Committee) has long been supportive of the California High-Speed Rail project. The Committee is made up of over 30 community, education, business, elected and appointed representatives to advance the California High-Speed rail system in our region and throughout the State. We have partnered to inform the community about high-speed rail hosting two dinners (both with 500+ attendees) as well as several informational meetings. We have encouraged public participation in the evolution of statewide high-speed rail. The purpose of our Committee is threefold (in no particular order); first to educate our community about high-speed rail and get involved in the development process; second, to advocate locating the high-speed rail heavy maintenance facility at Castle Commerce Center and third, to ensure that a high-speed rail station is located in downtown Merced.

We are appreciative of the various scoping meetings held at the Merced Senior Center for the Fresno to Merced segment of the high-speed rail project. Members of our Committee attended and were able to comment at the meeting, but we also wanted to supplement our participation with written comments concerning the various impacts identified in the Merced to Fresno Draft EIR/EIS.

Our comments and concerns are summarized and outlined below as:

1. We are supportive of the A-2 UPRR/SR99 proposed alignment on the Merced to Fresno section of the high-speed rail system.
2. We encourage the Authority to select the proposed alignment that would impact the fewest acres of agricultural lands.
3. We believe that the evaluation of the Castle Commerce Center Heavy Maintenance Facility (HMF) was given inadequate analysis within the EIR/EIS.
4. We encourage ongoing dialogue and planning coordination with the City of Merced to ensure that the design and engineering details of the proposed high-speed rail station maximizes local

Submission 694 (Dr. Lee Boese, Jr., Greater Merced High-Speed Rail Committee, October 13, 2011) - Continued

usage and ridership from Sacramento to Merced and adequate integrates with the local transportation system. Additionally, we want to ensure the minimum impacts to local businesses as a result of developing the proposed alignment.

5. We request more detailed information about how the California High-Speed Rail Authority intends to pay for the construction, development and operations of the Merced high-speed rail station.
6. We would like to encourage further discussion and consideration on how the high-speed rail tickets can include a station fee to help fund security and public safety within and surrounding the proposed station.
7. We would like further information on how the Merced to Fresno high-speed rail segment can offer local business and employment opportunities.

694-1

Preferred Route A-2/UPRR/SR99

For many years the Committee has clearly stated our support for alignment A-2, following Highway 99 on the Union Pacific transportation corridor. This support has come in the form of public testimony, written testimony and correspondence, and by resolutions, specifically from the City and County of Merced. For reasons outlined in this letter, the Committee continues to support the A-2 alignment as it has done for many years. Our Committee believes the A-2 alignment is the most direct route across the Central Valley, with fewer impacts to agriculture and wildlife mitigation corridors and is consistent with the regions proposed development plans.

It is and has been the understanding of our Committee that the guiding principles for the system development is that route options need to be efficient, as straight as possible, as fast as possible as well as maximize existing rail and highway easements and right of ways with minimum impacts to a regions resources, industry and general plans. The Authority has continuously outlined the guiding principles and criteria of building the high-speed rail system as:

- Construction and cost to build - excessive initial and recurring costs were considered criteria for project impracticability because they present logistical constraints. Running a rail line through the middle of two unincorporated communities (Planada and Le Grand) versus the Highway 99 right of way will substantially increase construction and agricultural mitigation costs.
- Environment – a potential for considerable impacts on natural and biological resources including farm and agricultural land were considered criterion for failing to meet project objectives. The A-1/BNSF alternative alignment cuts through both wildlife areas (housing endangered species) and prime agriculture land and have been consistently opposed by local residents in writing and at the scoping sessions.
- Substantial incompatibility with current or planned local land use as defined in local plans were considered criterion for failing to meet project objectives. The A-1 route cuts through two rural unincorporated cities and would displace hundreds of residents and households, not to mention cut through the communities of Planada and Le Grand.

694-1

- Travel time and conditions – it is the Committee's understanding that when building a high speed rail system, a straight line is preferred and is the most efficient in terms of speed. The A-1 alignment curves east and would likely increase the travel time given it is the least straight alternative presented that connects Merced to Fresno. The A-2 alignment is the most direct alignment connecting the high-speed rail Central Valley station cities to one another.
- Public Agency input - the Merced County Planning Department clearly expressed their opposition to the A-1 route in detail (please reference the comments submitted by Merced County dated October 7th, 2011) under the signature of Mark Hendrickson and Paul Fillebrown. The County and City of Merced have been involved in all of the public processes which lead to the strong support of the A-2 alignment. The purpose of the public sessions, open houses, meeting and briefings have been to solicit public comments to the Authority staff which is what our community and local regulatory departments and agencies have diligently done.

Merced County, City and the Committee will play an important role by assisting the Authority in protecting the routes that are selected from incompatible development. To do so, the County must amend its General Plan to designate the selected sites on the County's General Plan Circulation Element. The A-2 alignment more clearly advances the goals of the County's General Plan than any other alternative alignment.

We want to ensure that our region remains competitive so we are here to ensure that you and the Authority Board members know that our community strongly believes that A-2 is the most expeditious alignment and the one that faces the least environmental, agricultural, land use and legal challenges and impacts to our community.

Agriculture – Minimizing impacts and Proper Mitigation

Merced County agriculture and related activity generate approximately \$12 billion per year, making Merced County the sixth most productive agriculture industry in the United States. For this reason, regional public officials and agriculture businesses and advocates are extremely concerned about the impacts to agriculture that will result from the development of high-speed rail. While we know that high-speed rail can serve as an economic stimulator for our State, we urge the Authority to follow the language set by the 2008 Bond which states that the HSR shall only exist in a "manner that minimizes urban sprawl and impacts on the natural environment."

694-2

The text of the Bond also includes language which states "The alignment for the high-speed train system shall follow existing transportation or utility corridors to the extent feasible and shall be financially viable, as determined by the authority." The Committee believes that the A-2 alternative alignment is an active transportation corridor with the least disruption to regional agriculture.

Additionally, our Committee respectfully requests that the Authority continue to work with local agricultural and community organizations in educating how high-speed rail can co-exist with agriculture by presenting best practices from other international high-speed rail systems. The Authority has entered into several Memorandums of Understanding with various countries and their experience with agricultural mitigation and compatibility can be invaluable. Additionally, it would be helpful to provide additional information on how the Authority intends to mitigate agricultural land impacted by the proposed high-speed rail development.

Submission 694 (Dr. Lee Boese, Jr., Greater Merced High-Speed Rail Committee, October 13, 2011) - Continued

694-3

Alternative Castle Commerce Center Heavy Maintenance Facility (HMF)

The Greater Merced High-Speed Rail Committee undertook an exhaustive review and assessment of numerous sites throughout the region considering availability of labor force, constructability, displacements, traffic effects, environmental background and economic incentives. The Committee submitted a heavy maintenance facility proposal for the Authority's consideration. The proposed site is the Castle Commerce Center. Castle Commerce Center is located in Merced County at the former Castle Air Force Base on its most southern corner. In close proximity to the BNSF Railroad, UP Railroad and Castle Airport, with compatible zoning plans, available utilities and access to several modes of transportation as well as a well-developed road network, makes the Site is conveniently positioned to serve as a multi-modal hub well-suited to HMF development. This infrastructure will allow the Authority to move cargo and goods with ease – saving both time and money.

While the proposed Castle Site provides numerous economic opportunities and incentives in addition to having a single land owner—Merced County, the Castle Commerce Center site is ready for ground breaking almost immediately, and Merced County is prepared to expedite the entitlement process to make this possible. Yet within the Merced to Fresno segment EIR/EIS there are many errors in the evaluation assumptions and project design. As clearly outlined in the Merced County comments, "by applying incomplete design characteristics and attributing all impacts to the HMF at Castle Commerce Center, the analysis places this site at an unreasonable disadvantage when compared to other alternative sites contained in the Draft EIR/EIS." The fundamental problem is that the Authority representatives have committed to and regularly advised that the location of a Heavy Maintenance Facility (HMF) will be evaluated/determined at a later time, yet the document provides very premature cost estimates for the HMF alternatives. Merced's Castle HMF has been estimated to cost approximately \$400 million more than the other potential sites. This is largely due to the inclusion of the alignment and track costs between the Downtown Merced station and the Castle HMF. The vast majority of this cost will be used for the Merced to Sacramento segment of the High Speed Rail. As such, it should not be equated as a cost for the Castle HMF, because it is a cost that will be incurred by the Authority whether or not Castle is ultimately chosen for the HMF. Therefore the Committee agrees with the City of Merced's urging for the Authority to delay the inclusion of potential costs in the HMF sites until further analysis and value added engineering can be completed and to defer the selection of a preferred location until a more thorough analysis of all HMF sites can be thoroughly researched.

Downtown Merced Station

The Committee urges the Authority to support Merced City's request to further analyze the raising of the high-speed rail line by at least 10' throughout the community. The potential to raise the tracks could possibly begin before the tracks enter the downtown as Caltrans is beginning work to reconstruct the 16th Street overcrossing on the eastern side of Merced downtown. This new development was not included in the analysis of the high-speed rail line into Merced or the elevation of the Merced station and should be factored into the proposed mitigation plans.

694-5

The Committee also requests that the Authority provide more detailed information on how the system stations will be financed and managed. In our discussions with Merced City and County officials the issue of how to fund security and public safety within the Merced high-speed rail station was discussed and we respectfully request further information on this issue.

694-6

Lastly, our regional economic development entities and chambers have been supportive of high-speed rail and the development of the HMF to further enhance economic opportunities in the Merced region. The high-speed rail station and maintenance have the potential to greatly enhance the local economy and diversify the types of local jobs available to our residents. But our community would like more information on how local businesses can obtain contracts and procurement and employment opportunities on a regular basis.

Conclusion

We are excited to see the California High-Speed Rail Authority begin and complete the 220 miles per hour system within the timeline allotted by the various State and Federal funding sources. We continue to advocate the importance of developing the Merced to Fresno section of the system as it connects the center of the system to Sacramento as well as it includes the critical connector of the Bay Area to the Central Valley to Southern California. The Merced to Fresno section promotes current and future connections to other modes of transport from both Merced and Fresno.

We are proud to say that since 2003 members of our Committee have worked hard to advocate for and advance high-speed rail, and educate local residents and community representatives about the high-speed rail and the economic benefit of being home to a high-speed rail station and potential heavy maintenance facility. We now respectfully request the Authority's consideration of our comments.

Once again, we appreciate the opportunity to comment and look forward to assisting the Authority in the development of the High-Speed Rail system.

Sincerely,



Dr. Lee Boese, Jr.
Chairman
Great Merced High-Speed Rail Committee, Inc.

cc: The Honorable Dennis Cardoza, Member of Congress
The Honorable Jeff Denham, Member of Congress
The Honorable Cathleen Galgiani, California State Assembly Member
Merced County Board of Supervisors
Merced City Council
Atwater City Council

Response to Submission 694 (Dr. Lee Boese, Jr., Greater Merced High-Speed Rail Committee, October 13, 2011)

694-1

See MF-Response-GENERAL-10.

694-2

See MF-Response-GENERAL-10 and MF-Response-GENERAL-4.

694-3

See MF-Response-GENERAL-15 and MF-Response-GENERAL-20.

694-4

Raising the alignment by 10 feet throughout the City of Merced would result in a significant increase in project costs in both the alignment and the station. Raising the alignment by 10 feet would likely require construction of large retaining walls which could be perceived as a barrier to interaction. Additionally, the alignment through the City of Merced is only being designed to the station in Merced. The alignment north of the station is considered guideway to the HMF and is conceptual at this point in the planning process. A decision on the HMF is dependent on the environmental process for the Fresno to Bakersfield and San Jose to Merced Sections. Additional design and planning will occur with later phases of the project.

The Merced-Fresno HST project has coordinated/consulted with Caltrans and reviewed available information to identify reasonable foreseeable projects. We will continue coordination with Caltrans throughout the design process.

694-5

Refer to Section 3.11.6 (Safety and Security) for a number of project design features that will be incorporated into the HST project including Crime Prevention Through Environmental Design. See also MF-Response-GENERAL-18.

694-6

See MF-Response-GENERAL-19.

Submission 128 (Nick Patel, Holiday Motel, September 20, 2011)

Merced - Fresno - RECORD #128 DETAIL

Status : Action Pending
Record Date : 9/20/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/20/2011
Submission Method : Website
First Name : Nick
Last Name : Patel
Professional Title : Owner
Business/Organization : Holiday Motel
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93728
Telephone : 5592137189
Email : nrupen.patel@yahoo.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :
EIR/EIS Comment : Yes

I am the owner of Holiday Motel on 1407 N. Golden State Blvd. in Fresno. First of all I am not opposing nor agreeing to this project. However, from our research this project effects our property. We live here and manage the property for the past 10 years. Fresno's average occupancy is roughly at 60% and lower in recent years. Wouldn't you want to stay at the 40% of the vacant properties instead of sleeping across two railway tracks?

Our property value will also hit rock bottom because of the added High speed railway track. It is already at its lows since there is already a UPR track there. Nobody would buy this property after the next one is added.

Thank you
Yes

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Response to Submission 128 (Nick Patel, Holiday Motel, September 20, 2011)

128-1

See MF-Response-SOCIAL-2.

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011)

Merced - Fresno - RECORD #131 DETAIL

Status : Action Pending
Record Date : 9/20/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 9/20/2011
Submission Method : Website
First Name : Steven
Last Name : Weil
Professional Title : Partner
Business/Organization : Horizon Enterprises
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93704
Telephone : (559) 449-1775
Email : mweil0777@aol.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

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These comments are on the Draft Merced-Fresno EIR/EIS (hereinafter referred to as the "EIR/EIS").

The California High Speed Rail Authority ("Authority") has stated publicly that to meet the "independent utility" requirement of Federal ARRA funding, it is intended that Amtrak trains utilize the subject project, which is the initial construction segment, until high speed passenger service is established in the future upon connection to the Bay Area and/or the Los Angeles area. The EIR/EIS must fully describe the infrastructure and operational characteristics of such independent utility service by Amtrak or others, including, without limitation, the following: Modifications or adjustments to the project infrastructure to accommodate independent utility utilization, trainset and other equipment intended to be utilized for independent utility operation, the operational characteristics of independent utility utilization of the project, environmental impacts from independent utility operations, including, without limitation, impacts on air quality, noise and vibration, mitigation measures relating to all of the foregoing, including a detailed mitigation monitoring program for independent utility operation.

In addition, relating specifically to independent utility achieved through utilization of the project for Amtrak service, the precise locations of interconnection to existing Amtrak trackage both north and south of the project, including interconnection alignment alternatives under various initial construction scenarios, must be fully described and analyzed in the EIR/EIS. For example, if project funding only permits construction of the initial project segment as far as the Chowchilla Wye, an interim connection from the A2 Alignment at that location over to the existing BNSF tracks to the east that currently carry Amtrak trains must be described and analyzed, including interconnection alignment alternatives. In addition, based on the description of the interconnections for Amtrak operation on the project, all related impacts under the various categories of the EIR/EIS as mandated by CEQA must be fully described and evaluated, including the identification of related mitigation measures and a mitigation monitoring program. Finally, with regard to Amtrak service on the project, the EIR/EIS must describe all further reviews, approvals and agreements that must be conducted and obtained to achieve sustainable Amtrak service on the project, or, alternatively, those reviews and approvals that would be required for an alternative method of accomplishing independent utility utilization of the project.

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Similarly, the Authority has stated publicly that the initial construction segment for which the Merced-Fresno Draft EIR/EIS was prepared will be utilized as a high speed train "test track" both during the period that the project will be subject to independent utility utilization and thereafter when the Merced-Fresno segment accommodates high speed rail passenger service. The EIR/EIS must provide a detailed description of how high speed trains are to be tested using the project infrastructure, including, without limitation, the technological and operational characteristics of the high speed train equipment and systems to be tested, (including, without limitation, trainsets, power and control systems, and safety equipment and procedures). If high speed trains are to be tested up to speeds that exceed the 220 mile per hour limit studied for passenger service in the EIR/EIS, all environmental factors relating to such higher speeds, including, without limitation, energy use, air quality, public safety and noise and vibration must be fully described and analyzed, including a full discussion of related mitigation measures and a mitigation monitoring program. Potential security issues within the category generally understood as "homeland security" relating to the operation of an internationally-recognized high speed rail testing facility that would be unique within the United States must be addressed. In

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

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addition, the operational inter-relationships between independent utility use, ultimate high speed passenger service, and the continued utilization of the project for high speed train testing must be fully described and evaluated in the context of public safety and environmental impacts.

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CEQA Guidelines explicitly require that the EIR/EIS include, within the context of an Alternatives Analysis, a reasonable range of project design and location alternatives that could reasonably achieve the objectives and the project while mitigating impacts. The Draft EIR/EIS fails, for very significant segments of the project, to provide any Alternatives Analysis within the EIR/EIS meeting CEQA requirements. For example, South of San Joaquin River through Fresno County and the City of Fresno, two alignment alternatives in Madera County (called "A1" and "A2") converge into a single alignment. From that point south, only one alternative alignment location is analyzed in the EIR/EIS, which, on its face, fails the test of meeting CEQA's requirements for inclusion of alternatives. The EIR/EIS attempts to rationalize this deficiency by making reference to a prior alternatives analysis process conducted by the Authority outside of CEQA. That prior process, which occurred over a period of months and even years, did not include the specific procedural requirements mandated by CEQA for notice and comment.

Within the context of CEQA, the alternatives analysis conducted by the Authority prior to preparation of the EIR/EIS could best be described as being part of the Authority's "scoping process" leading up to preparation of a Draft EIR/EIS. CEQA Guidelines require that the EIR/EIS describe all alternatives to those included in the document that were evaluated and discarded during the scoping process, which in this case the Authority has chosen to call the alternatives analysis process. The EIR/EIS does, in fact, provide information for some of the alternatives reviewed and discarded, but the document fails to provide such information for all of them. Two notable alternatives that were discarded prior to preparation of the EIR/EIS, but that meet the CEQA test of feasibly achieving the project objectives while avoiding or reducing environmental impacts, are two "Design Options", called "Design Option 4" and "Design Option 6" ("DO4", "DO6") that were part of the "A1" ("BNSF") alignment alternative. DO4 and DO6 were discarded when the Authority issues a Preliminary Alternatives Analysis for the Merced-Fresno section in 2010. DO4 and DO6 would each bring the A1 Alignment west of the Union Pacific right-of-way within Fresno County, crossing the San Joaquin River at points much closer to the BNSF right-of-way than the alternatives actually carried forward. These more easterly points of crossing at the San Joaquin River would, in turn, permit the A1 Alignment to have far fewer impacts to roads and agricultural land in Southern Madera County than the alternatives carried forward in the EIR/EIS.

The purported reason for discarding Design Options 4 and 6 in 2010 is that they traversed urbanized land within Fresno County and were objected to by City of Fresno officials. In fact, both of these design options for the A1 Alignment, which occur north of the Bullard Avenue alignment, traverse what is currently almost entirely vacant land, containing almost no urban development. In fact, the small portion of the path of these alignments that had included planted agricultural land within Fresno County now is entirely vacant, with the fig plants having been pulled out within the last few years.

Thus, even though the location of the project alignment has remained significantly in flux right through the preparation of the EIR/EIS, the Authority has steadfastly refused to include the study of any alignment east of the UP tracks in northwest Fresno ever since rejection of DO4 and DO6 in 2010. Now it is revealed in the EIR/EIS that the current

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alignment proposal would significantly impact numerous freeway-oriented businesses within the City of Fresno near the intersection of Herndon and Golden State, businesses that depend on freeway activity. An alignment alternative generally similar to DO4 and DO6 would completely avoid those impacts, and instead, traversing primarily vacant land, have no direct impact on existing businesses. Moreover, with appropriate design, an alignment in northwest Fresno generally north of the Bullard Avenue alignment that crosses over to the east side of the UP tracks, if designed as an elevated, planted berm with appropriate noise mitigation at the tracks, could actually serve as a noise buffer for existing residential neighborhoods east of the UP right-of-way that are currently impacted by noise from freight railroad operations on the UP tracks. Thus, including DO4 and DO6 or a single variation of those in the EIR/EIS would provide an alignment alternative in northwest Fresno where no alternative whatsoever is currently being evaluated, avoid severe impacts to a viable freeway-oriented commercial district along Golden State Boulevard near Herndon Avenue, result in a river crossing at the San Joaquin River that would reduce impacts to the freight rail operation of the UP tracks, reduce impacts to future UP spur lines serving food processing industries along the UP tracks and reduce impacts to roads and agricultural land in southern Madera County, all while providing an opportunity to potentially mitigate existing freight rail noise impacts to existing residential neighborhoods in northwest Fresno currently impacted by freight rail operations on the UP tracks.

Furthermore, the existence and DO4 and DO6 was not indicated in the EIR/EIS, and the EIR/EIS does not include any discussion of those design options or any discussion of why there were discontinued in 2010 from further consideration. Of concern, also, is that this lack of discussion of DO4 and DO6 is the case even though the EIR/EIS does include, at least in a map exhibit, reference to the other design options for the A1 Alignment that were discussed in the 2010 Preliminary Alternatives Analysis report. Thus, it would appear that DO4 and DO6 were singularly omitted from the EIR/EIS. This must be corrected, and the EIR/EIS must therefore include a complete description of DO4 and DO6, or a variant thereof, and a complete discussion of these as alignment alternatives for the A1 Alignment.

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Finally, in the years since the programmatic EIR/EIS for the statewide high speed rail system was formulated earlier in the decade, technological advances in high speed train design have resulted in route design alternatives such as "trunk and branch" configurations that were not considered operationally effective when the programmatic CEQA work was done. Thus, for example, in Europe, the AGV train design, deemed the technological successor to TGV trains, provides for the independent routing of passenger train elements that make route branches off of a high speed trunk line an effective alternative to continuous routes. Operational and energy efficiencies, along with mitigation of environmental impacts, thereby result from not having to route express trains over longer routes through communities, which can, themselves, be served with branch lines.

The specific implication of the above developments in high speed train technology for the subject project is that a "trunk" high speed train alignment generally following the Interstate 5 alignment, which may have been rejected or overlooked because it appeared to bypass Central Valley cities, is now a feasible alternative to alignments currently under consideration that cut directly through communities and agricultural land. Connectivity for Central Valley cities would be achieved through appropriately located branch lines, which could follow established transportation routes such as State Route 180 from Interstate 5 to Fresno. This shorter and more direct "trunk" connection to the high

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

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speed train system's primary passenger-generating markets in the Bay Area and Los Angeles area, the system would enhance the system's competitive relationship to alternative modes, further increasing its environmental and energy-efficiency benefits and operational sustainability. Thus, a system route configured around an Interstate 5 trunk line with branches serving Central Valley cities south of Stockton would meet the project's requirements, avoid or mitigate environmental impacts, and enhance project sustainability. The EIR/EIS must include this alternative for complete analysis in the document.

Finally, the responses to each and every one of the above comments will, by the very nature of the issues raised, constitute significant new information as that term is referenced in the CEQA Guidelines and related case law, thereby requiring recirculation of the document for possible additional comment.

EIR/EIS Comment :

Yes

Response to Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011)

131-1

See MF-Response-GENERAL-13.

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This section of the HST System would be used for HST fleet testing, acceptance, and commissioning of trains and operational systems prior to passenger operations (See Section 2.2.9.2). Up to 27 sets of HSR trains will be tested in a manner consistent with the manufacturer's recommendations and warrantee consideration. Since a rolling stock vendor (and therefore the specific characteristics of the HST vehicle) has not yet been chosen, the methodology that will be employed during testing is unknown at this time.

Speeds in excess of the 220mph operating specification will be part of the manufacturer's recommended testing program and will not constitute an attribute of regular HST service on the IOS once the equipment is certified for passenger service.

Contingent upon funding and construction sequencing, sometime between 3 and 5 years prior to completion of the first IOS segment, systems installation will begin on the ICS section to include (but not limited to), Signal Train Control, Communications systems, Overhead Catenary Systems (OCS) and the Electric Traction system. These systems will all be tested upon installation. During this period a Heavy Maintenance Facility (HMF) will be constructed and outfitted in the Central Valley on a parcel of land adjacent to the ICS tracks. Upon completion of this HMF, the Authority can begin to accept new train sets for commissioning and testing. The project will then move into the "test track" phase.

If the independent utility provision of the HST's federal funding is invoked, Amtrak San Joaquin service would operate train service on the ICS segment. The test track phase may or may not be accomplished in concert with the independent utility San Joaquin Amtrak service operation, depending upon whether conditions warrant that approach. The test track function of this section would not be a more intensive activity than the operational activities described in the EIR/EIS. Therefore, it would not have different or more severe significant impacts than those described in the EIR/EIS. Further, it would be subject to the mitigation measures described therein and approved as part of the project.

The security aspects of this project for the ICS section will be addressed at the

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appropriate time through a specific Threat and Vulnerability Assessment (TVA). A TVA provides for the deterrence and detection of, as well as the response to, criminal and terrorist acts for rail facilities and system operations. Provisions include right-of-way fencing, intrusion detection, and closed-circuit televisions. Intrusion detection technology could also alert to the presence of inert objects, such as topped tall structures or derailed freight trains, and stop HST operations to avoid collisions (Refer to Section 3.11.6).

The HST Urban Design Guidelines will also reduce the vulnerability of the system. These Guidelines require implementing the principles of Crime Prevention Through Environmental Design. This is a design method that focuses on reducing opportunities for crime through the design and management of the physical environment. Four basic principles of Crime Prevention Through Environmental Design should be considered during station and site planning: Territoriality (designing physical elements that express ownership of the station or site); Natural Surveillance (arranging physical features to maximize visibility); Improve Sightlines (provide clear views of surrounding areas); and Access Control (physical guidance of people coming and going from a space). (Refer to Section 3.11.6).

The comment has provided no evidence that the test track activities that will precede passenger operations would result in a substantial increased security risk.

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See MF-Response-GENERAL-13.

131-4

Consistent to CEQA and NEPA, the EIR/EIS identifies, references, and summarizes the Alternatives Analyses undertaken in the process of selecting the three build-alternatives for analysis. The full Alternatives Analyses themselves are not required to be part of the CEQA or NEPA document but were made available for public review and participation during the alternatives analysis process. See MF-Response-GENERAL-2.

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See MF-Response-GENERAL-1 and MF-Response-GENERAL-2.

Response to Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

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CEQA and NEPA require recirculation when significant new information has been added to the draft EIR/EIS. Under CEQA, this would mean that there is either: a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (Refer to State CEQA Guidelines Section 15088.5)

NEPA provides that a draft EIS is to be supplemented and recirculated when either the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. (Refer to 40 CFR 1502.9)

None of the conditions that might require recirculation of the draft EIR/EIS has occurred. No new significant impacts or substantially more severe impacts have been identified. The Authority/FRA have refined the mitigation measures set out in the draft EIR/EIS, but have not needed to adopt a feasible mitigation measure that would avoid a new significant effect or reduce a more severe impact. No new feasible alternatives have been presented that would meet most or all project objectives, would reduce significant effects, and are substantially different from the alternatives already considered -- including those alternatives previously considered and not selected for further review (see MF-Response-GENERAL-2 for a discussion of the alternatives selection). The EIR/EIS is supported by voluminous substantial evidence and is not conclusory in nature. Further, it is organized in the standard format for CEQA and NEPA documents and, while large, is organized for ease of review. It was also made available in a searchable PDF version that allows a reader to easily find discussions of interest. For NEPA purposes, there have been no substantial changes to the project. Minor changes to the alignment or to its construction reflect refinements that have resulted

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from continuing project design. As discussed above, although the EIR/EIS has been refined, there are no significant new circumstances or information that would require recirculation.

Submission 697 (Timothy Jones, John R. Lawson Rock & Oil, Inc.(Attny for), October 13, 2011)

OLIVER W. WANGER
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October 13, 2011

Via Email: Merced Fresno@hsr.ca.gov and Certified Mail

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

**Re: Comments on Draft EIR/EIS
California High Speed Rail: Merced to Fresno**

To Whom It May Concern:

My law firm represents John R. Lawson Rock & Oil, Inc. ("Lawson"). On Lawson's behalf, I am writing to provide comments on the California High Speed Rail Project: Merced to Fresno segment (the "Project") under, *inter alia*, the California Environmental Quality Act, Pub. Resources Code, § 21000, *et seq.* ("CEQA"), and the National Environmental Policy Act, 42 U.S.C., 4321, *et seq.* ("NEPA").

Lawson is a licensed and bonded freight shipping and trucking company whose operations are located at 5829 North Golden State Boulevard, Fresno, CA 93722 (the "Lawson Property"). Through this letter, Lawson wishes to offer the following comments on the Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") prepared for the Project:

- **Project Alternatives.** The Project contemplates that the HST would operate on an at-grade profile within the vicinity of the Lawson Property (and most of the City of Fresno) under each of the project alternatives considered. Because an at-grade profile requires a larger physical right-of-way than all of the other profiles, the footprint of the Project within the City of Fresno is the same under all of the alternatives.

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The alternatives analysis of the EIR/EIS should be updated to include analysis of alternative profiles within the City of Fresno. The larger at-grade profile will obviously result in greater physical impacts, including impacts to the surrounding transportation network (including the complete re-alignment of portions of Golden State and S.R. 99), and established communities. These impacts would likely be significantly reduced through the utilization of less intensive profiles, including the retained-fill profile, the retained-cut profile, or the elevated profile described in the EIR/EIS at 2-8 and 2-9.

- **Veterans Boulevard.** The transportation discussion of the EIR/EIS states:

The HST alignment would pass under the planned Veterans Boulevard extension and overcrossing. South of Veterans Boulevard, an existing road connection to Golden State Boulevard and crossing of UPRR at N Carnegie Avenue would be closed. In conjunction with the HST project, an initial phase of the Veterans Boulevard project would be constructed between the realigned Golden State Boulevard and W Bullard Avenue, including an overcrossing of HST and UPRR. This connection would provide an alternative access route for the closure of Carnegie Avenue. The complete Veterans Boulevard extension is assumed to be in place in 2035 and is a component of the No Project condition.

(EIR/EIS at 3.2-37.) The EIR/EIS then goes on to analyze the impacts of the Project on this "planned" intersection, as opposed to existing conditions, asserting that this "Roadway exists only under Project conditions."

The Veterans Boulevard improvements, however, do not appear to be part of the Project (*i.e.*, they are not described as part of the "Project" in any "Project Description" or "Alternatives" discussion). Rather, it appears that the Veterans Boulevard extension is a potential future activity that has not been designed or funded:

Realignment of Golden State Boulevard and the at-grade HST profile would require modification of a future planned roadway extension project (Veterans Boulevard) and an existing local intersection (Shaw Avenue); these modifications have been and will continue to be closely coordinated with the City of Fresno public works, planning, and development agencies.

(EIR/EIS at 2-46.)

The foregoing assumptions are not permissible under CEQA. Specifically, the "existing physical environment" must be used as the "environmental baseline," as explained in *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 704 ["WPHA"]. By relying upon future potential roadway conditions (which have not

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Submission 697 (Timothy Jones, John R. Lawson Rock & Oil, Inc.(Attny for), October 13, 2011) - Continued

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been funded), the EIR/EIS does not examine the impacts of the Project using the appropriate environmental baseline.

The "No Project" Alternative also assumes the existence of the Veterans extension, which is also improper under *WPHA*, *supra*, 150 Cal.App.4th at 714.

Moreover, there is substantial evidence that the Veterans Boulevard extension may not occur at any time in the near future. As explained in the EIR/EIS itself, the extension (and modifications to existing plans) will need to be negotiated and "coordinated" with "the City of Fresno public works, planning, and development agencies." Moreover, the Veterans extension has been in the planning process for twenty-seven years – since 1984 (at which time it was referred to as the Herndon-Grantland Diagonal). The Veterans extension has suffered from controversy and funding problems since that time. There is no evidence in the EIR/EIS that the Veterans extension has been funded, and there is no certainty that the Veterans extension will ever be completed.

There is likewise no evidence that the Veterans Boulevard/S.R. 99 intersection will be completed by 2035, as analyzed in the EIR/EIS.

As such, the EIR/EIS must evaluate present and 2035 traffic and roadway conditions under existing conditions – *i.e.*, taking into account the fact that the Veterans extension has not yet been constructed.

- **Traffic.** TR MM #1 is not sufficiently detailed to provide adequate mitigation. There is no indication how exactly the proponent will "[m]aintain access for owners to property within the construction area," particularly in highly impacted areas such as Golden State Boulevard.

- **Traffic.** If the Project assumes the Veterans extension will be constructed as a Project condition, the Mitigation Measures on page 3.2-109, *et seq.* of the EIR/EIS need to be modified to include the construction of the Veterans extension as a mitigation measure. Any such mitigation measure should meet the requirements for legal adequacy as stated in *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.

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- **Noise.** N&V MM #3 states, among other things, that the CHSRA will "[w]ork with communities to determine how the use and height of sound barriers would be determined using jointly developed performance criteria." (EIR/EIS at 3.4-45.) This mitigation measure, however, constitutes an impermissible deferral of mitigation. "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*City of Long Beach v. Los Angeles Unif. Sch. Dist.* (2009) 176 Cal.App.4th 889, 915.) For example, a mitigation measure that merely calls for a mitigation plan to be devised based on future studies or analysis is legally inadequate if it does not performance standards

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that would mitigate the significant impact. (*Comms. for a Better Env. v. City of Richmond* (2010) 184 Cal.App.4th 70, 95; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 [rejecting mitigation requiring submission of acoustical analysis and approval of mitigation measures recommended by analysis because no mitigation criteria or potential mitigation measures were identified].) Accordingly, rather than making mitigation of noise impacts up for negotiation with local governments, the CHSRA should develop performance standards or other defined criteria for mitigating those impacts.

- **Noise.** N&V MM #4 also defers mitigation. That mitigation measure states, "[i]n the procurement of an HST vehicle technology, the project can set performance limits for noise levels in order to reduce community noise impacts throughout the corridor." There is no discussion, however, of what those performance limits may be, or how those limits would result in the reduction of noise-related impacts.

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- **Aesthetics/Noise.** The EIR/EIS also defers analysis by failing to show where sound walls and barriers will be located. Rather, the document states that such "changes are not assessed in site-specific locations because of uncertainty about the locations of these barriers, their heights, and their applications. The project design will incorporate communities' input" By not settling on the location of proposed barriers, the size of those barriers, and their applications, the EIR/EIS does not fully describe project-related impacts, or assess how those impacts will affect the communities at issue. The environmental effects of proposed barriers should not be addressed on a piecemeal basis, as that would both impermissibly defer analysis and mitigation to a later date, (see *City of Long Beach*, *supra*, 176 Cal.App.4th at 915; *Comms. for a Better Env.*, *supra*, 184 Cal.App.4th at 95; *Endangered Habitats League*, *supra*, 131 Cal.App.4th at 794), and also result in the impermissible segmentation of environmental review. (*O'Reilly v. United States Army Corps of Engineers* (5th Cir. 2007) 477 F.3d 225; CEQA Guidelines, § 15156; *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1208-09 [the requirements of CEQA cannot be avoided by piecemeal review which results from "chopping a large project into many little ones-each with a minimal potential impact on the environment-which cumulatively may have disastrous consequences."]) [quoting *Bozung v. LAFCo* (1975) 13 Cal.3d 263, 283-84].)

- **Aesthetics.** VQ-MM #6 also impermissibly defers mitigation. That mitigation measure states: "Provide a range of options for consideration in visually sensitive areas, such as areas where residential views of open landscaped areas would change or in urban areas where walls would affect the character and setting." Because this mitigation measure is left for future analysis and consideration, and does not provide performance standards, it is inadequate under CEQA. (See *City of Long Beach*, *supra*, 176 Cal.App.4th at 915; *Comms. for a Better Env.*, *supra*, 184 Cal.App.4th at 95; *Endangered Habitats League*, *supra*, 131 Cal.App.4th at 794.)

- **Aesthetics.** VQ-MM #4 impermissibly defers mitigation by providing that the CHSRA "[c]oordinate with local jurisdictions on design issues and consider applicable design

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Submission 697 (Timothy Jones, John R. Lawson Rock & Oil, Inc.(Attny for), October 13, 2011) - Continued

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guidelines so that these facilities are designed appropriately" (See *City of Long Beach*, supra, 176 Cal.App.4th at 915; *Comms. for a Better Env.*, supra, 184 Cal.App.4th at 95; *Endangered Habitats League*, supra, 131 Cal.App.4th at 794.)

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- **Blight.** The construction of sound walls and retaining walls have the likelihood of attracting graffiti within the City of Fresno. The City, however, cannot afford to keep those walls free of graffiti, which would cause negative aesthetic impacts, and also lead to potential urban blight/decay. The EIR/EIS does not address potential impacts as to urban blight/decay, or the abatement of graffiti in areas where large walls are present. (See, e.g., *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.)

Lawson also incorporates each of the comment letters submitted by all commenting parties on both the California High Speed Rail: Merced to Fresno Project, and the California High Speed Rail: Fresno to Bakersfield Project, as if fully set forth herein.

If you have any questions concerning the above, please do not hesitate to contact me.

Respectfully submitted,

Timothy Jones

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Response to Submission 697 (Timothy Jones, John R. Lawson Rock & Oil, Inc.(Attny for), October 13, 2011)

697-1

See MF-Response-GENERAL-2. Through further engineering and discussions with Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide desired benefit to Fresno and while trenching both HST and UPRR would be possible, it would be even more costly and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal ARRA funding requirements. Through cooperative discussions, the Authority and Fresno reached agreement on an at-grade profile with some areas of the profile lowered where possible.

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Per CEQA requirements, existing conditions and existing plus project conditions analysis is presented in Section 3.2. The current project is expected to operate at build-out conditions in the future year 2035. Hence, 2035 analysis was also performed. The 2035 no project baseline conditions include all the approved projects identified in the County's Regional Transportation Plan. Additional details regarding CEQA requirements are provided in Transportation Section 3.2.3. See also Section 3.2.6.

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See MF-Response-NOISE-6.

697-4

See MF-Response-VISUAL-3 and MF-Response-GENERAL-1.

697-5

See MF-Response-VISUAL-3, MF-Response-SOCIAL-2 and MF-Response-SOCIAL-4.

Table 3.16-2 in the EIR/EIS has been revised to address graffiti and blight. In addition, mitigation measures for construction have been revised such that:

"Any graffiti or visual defacement of temporary fencing and walls will be painted over or removed within 5 business days."

Mitigation measures for operations have been revised such that:

"Any graffiti or visual defacement or damage of fencing and walls will be painted over or repaired within a reasonable time after notification."

Submission 639 (Jim, Mary and Pat Johnson, Johnson Ranch, October 10, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011



CALIFORNIA
High-Speed Rail Authority



Comment Card
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a 28 de septiembre
no se responderán en el EIR/EIS final.

Name/
Nombre: Jim & Mary Johnson

Organization/
Organización: Johnson Ranch

(Optional/Opcional)
Address/Domicilio: PO Box 5

Phone Number/
Número de teléfono: 209 389 4716

City, State, Zip code/
Ciudad, estado, código postal:
LeGrand, CA 95333

Email address/
Correo electrónico: 9mimi@sbcglobal.net

High Speed Rail

Just want to get to the point;

639-1

First: Our state cannot afford
the H.S. Rail fiasco. It could be
one of the last blows to our now
pitiful economy.

639-2

Second: By taking away our rights,

639-2

to live where we have been living, for most
of our life, and how we choose to live.
Where we have been providing for ourselves
and our families is unconsionable. To have
to move our Mother (86yrs) or to
cause her and us such annoyance in
her last years is so uncalled for and
she does- (Not) deserve it. (H.S.R.)

Third - This will cause hardships
on us our business and home. As our
home is our headquarters for our business
our cattle, our need to provide feed
to store in our barns to have right
aways to get to them. Our irrigation
cat.

Fourth - We can only say you
are selfish and uncaring, without any
business sence by taking away our jobs
to provide for ourselves. You are putting
not only us but the people of our state -
in another mess and great turmoil by
your (Greed).

Fifth - In conclusion you do
not have our support, only our heart
break, disappointment and yes fear of the mess
you are putting us in with your recklessness.

Jim, Mary & Pat Johnson



CALIFORNIA
High-Speed Rail Authority



U.S. Department
of Transportation
Federal Railroad
Administration

Response to Submission 639 (Jim, Mary and Pat Johnson, Johnson Ranch, October 10, 2011)

639-1

See MF-Response-GENERAL-14.

639-2

See MF-Response-AGRICULTURE-4, MF-Response-General-14 and MF-Response-SOCIAL-1.

Submission 89 (Janie Doak, Jurkovich Doak Dev, September 6, 2011)

Merced - Fresno - RECORD #89 DETAIL

Status : Action Pending
Record Date : 9/6/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/6/2011
Submission Method : Website
First Name : Janie
Last Name : Doak
Professional Title : Owner
Business/Organization : Jurkovich Doak Dev
Address :
Apt./Suite No. :
City : Clovis
State : CA
Zip Code : 93619
Telephone : 559-260-2721
Email : jurkdoak@unwiredbb.com
Cell Phone :
Email Subscription :
Add to Mailing List : No

Stakeholder Comments/Issues :
Merced to Fresno: Route from Golden St Blvd to Church
I have talked with several of the business owners and property owners along this route. We are in shock that such a route would even be considered. Many local and national businesses are located on this route. The proposed HSR route would mean many businesses would close or relocate out of Fresno. Property tax revenue would be lost.. People will lose their jobs. The cost to relocate these businesses would be high as many serve a special function and cannot easily fit into other cookie cutter industrial buildings. Owners would be hard pressed to obtain financing at present and the HSR will not pay property owners until they vacate the property. Most businesses are just getting by and this will surely push them over the edge! The cost to relocate some of these businesses will be in the millions and is surely underestimated on the HSR cost estimates. The reason I say this is because the maps of the proposed route do not even show some existing buildings --namely on Golden St Blvd and Shaw. The HSR authority doesn't know for example that one of my tenants is a wireless providers who spent a great deal of money on infrastructure (telephone, electricity, fiber optics) plus generators and computers. They cannot easily move to another location. They estimate it will cost a minimum of \$2Million PLUS one year to move. Currently Fiber Optics are running along Golden St Blvd - will they need to be relocated for the rail? If so, that is extremely costly. The Golden St Blvd corridor is essential to the industrial businesses of Fresno. That is why they are located there. They provide the location and access necessary for their business. Please don't destroy it by putting in a rail, that will MAYBE help the downtown businesses. It will HURT many more businesses with the proposed route.

EIR/EIS Comment : Yes

89-1

89-2

Response to Submission 89 (Janie Doak, Jurkovich Doak Dev, September 6, 2011)

89-1

See MF-Response-SOCIAL-1.

89-2

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-3.

Submission 88 (Janie Doak, Jurkovich Doak Development, September 6, 2011)

Merced - Fresno - RECORD #88 DETAIL	
Status :	Action Pending
Record Date :	9/6/2011
Response Requested :	
Stakeholder Type :	Business
Submission Date :	9/6/2011
Submission Method :	Website
First Name :	Janie
Last Name :	Doak
Professional Title :	Owner
Business/Organization :	Jurkovich Doak Development
Address :	
Apt./Suite No. :	
City :	Clovis
State :	CA
Zip Code :	93619
Telephone :	559-260-2721
Email :	jurkdoak@unwiredbb.com
Cell Phone :	
Email Subscription :	Merced - Fresno
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	Merced to Fresno Route: We need additional workshops in our area to explain the proposed route to local property owners affected. I am concerned about the section of Golden St Blvd in Fresno from Herndon to Church. There is not an alternate route in this area. I have talked to MANY business and property owners along the route and they did not know about the proposed route and the impact on their properties. Not one person received a legal notice about their land being considered to be taken for the HSR! It is imperative that ALL PROPERTY OWNERS ALONG THE PROPOSED ROUTE be notified in writing of the plans! And there needs to be at least two more workshops so they can ask questions about how this will affect their property. Another comment - your form - "interest as" - should include a section for "property owners" as they will be the most heavily impacted.
EIR/EIS Comment :	Yes

88-1

Response to Submission 88 (Janie Doak, Jurkovich Doak Development, September 6, 2011)

88-1

See MF-Response-GENERAL-17 and MF-Response-SOCIAL-1.

Submission 50 (Janie Doak, Jurkovich Doak Development, August 22, 2011)

Merced - Fresno - RECORD #50 DETAIL

Status : No Action Required
Record Date : 8/22/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 8/22/2011
Submission Method : Website
First Name : Janie
Last Name : Doak
Professional Title : owner
Business/Organization : Jurkovich Doak Development
Address :
Apt./Suite No. :
City : Clovis
State : CA
Zip Code : 93619
Telephone : 559o-260-2721
Email : jurkdoak@unwiredbb.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues : RE: Merced to Fresno portion of proposed high speed rail.
I DO NOT want the rail going thru Golden St Blvd between Barstow and
Herndon! This would disrupt many industrial buildings/businesses along
Golden St Blvd. None of us can afford to relocate. This would be
devastating to the local economy. Why not move the rail to the west and
move some of the low cost homes? It would be less expensive to
relocate them and they would have nicer homes. The industrial
subdivision is fairly new- about 10 yrs old or so. They are all nice, well-
built, and expensive buildings! The businesses provide essential
services to our local economy and beyond. Do not destroy all our
efforts! Please find another solution.
EIR/EIS Comment : Yes

50-1

Response to Submission 50 (Janie Doak, Jurkovich Doak Development, August 22, 2011)

50-1

See MF-Responses-SOCIAL-1 and MF-Responses-SOCIAL-3.

Submission 40 (Janie Doak, Jurkovich Doak Development, August 17, 2011)

Merced - Fresno - RECORD #40 DETAIL	
Status :	Action Pending
Record Date :	8/17/2011
Response Requested :	
Stakeholder Type :	Other
Submission Date :	8/17/2011
Submission Method :	Website
First Name :	Janie
Last Name :	Doak
Professional Title :	Owner
Business/Organization :	Jurkovich Doak Development
Address :	
Apt./Suite No. :	
City :	Clovis
State :	CA
Zip Code :	93619
Telephone :	559-260-27221
Email :	jurkdoak@unwiredbb.com
Cell Phone :	
Email Subscription :	Fresno - Bakersfield, Merced - Fresno
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	I have questions about the realignment of Golden St Blvd in Fresno between Shaw Ave and Herndon Ave. This will affect an industrial area of several acres along Golden St Blvd, where I own/manage a warehouse building. How will these changes affect access to our properties? Also, if GS is rerouted East slightly - how will that affect the properties on the other side of Golden State? I own/manage another building that backs up to the railroad tracks. Removing part of my rear fenced yard would render that warehouse building practically useless. Please have someone call me. I am really concerned and need to advise my partners.
EIR/EIS Comment :	No

40-1

Response to Submission 40 (Janie Doak, Jurkovich Doak Development, August 17, 2011)

40-1

The Project Footprint, showing how properties will be affected, is found in Appendix 3.1-A Project Footprint of the EIR/EIS. See also MF-Response-SOCIAL-1.

Submission 592 (Matthew Kahl, Kahl Ranch, October 12, 2011)

592-1

The time given to read and comprehend all facets of the Environmental Impact Report for High Speed Rail is more than insufficient.

The most important aspect that the route **BNSF Alternate 1 Mariposa Way** will bring to Kahl Ranches is financial upheaval. The route system through our ranch will force us to reconstruct the entire infrastructure, eliminating 3 deep wells, splitting the ranch into two sections with no road to either side, and therefore forcing us to build another shop on the other side of the HSR tracks, once again taking away more farmland. We will then have to re-level all the fields so the drainage falls away from the tracks as stated in the HSR EIR. With the ranch being split into two, and the drainage water having to be kept away from tracks we would have to remove existing orchards and install new irrigation systems and then replant new orchards. The loss of production on these acres will take at least 7 years to get back into a viable almond producing operation.

With Mariposa Creek being a flood-controlled waterway, how does the HSR plan to address potential damage the elevated tracks will cause to our infrastructure (shops, orchards and home), since there will be nowhere for this flood water to run except to build up on one side of the tracks therefore leaving great damage to our land and livelihood.

We are still unclear of how HSR has addressed the issue of running power lines through the elevated tracks that our ranch currently depends on. Will we have to put in diesel generated power to run our deep wells, shops and home therefore creating another environmental air quality issue and financial burden?

With the approval of **BNSF Alternate route 1 Mariposa Way**, we have calculated costs to our Ranch to the best of our ability with the incomplete information provided by HSR Authority:

- The loss of 300 Acres of Producing Almond Trees
 - \$5000 per acre X 7 years (to get back into production)
 - Totaling: **\$10.5 million**
- Four new Deep Wells
 - \$500,000 per well
 - Totaling **\$2 million**
- 300 acres of new Micro Sprinklers
 - \$1500 per acre
 - Totaling **\$450,000**
- New Shop on newly split ranch
 - **\$750, 000**
- 300 acres of Re-leveling and Land Work
 - \$750 per acre
 - Totaling **\$225, 000**
- 300 acres of Orchard Removal
 - \$500 per acre

592-1

- Totaling **\$150,000**

- Four new Drainage Basins
 - \$25,000 per basin
 - Totaling **\$100,000**
- Miscellaneous Cost
 - **Unknown = most expensive?**

The destruction of a historic ranch and its people that have been in the same community for over 150 years is a real testament to the short sightedness and evil that this train brings to the farmers of the Central Valley. It would be in the best interest of the HSR Authority and for the people of this great state to go down the corridor of Interstate 5. This path would have the least impact on the breadbasket of the Central Valley where our fertile soil feeds this nation.

We ask for immediate elimination of BNSF Alternate Route 1 Mariposa Way.

Matthew Kahl
2074 S. Whealan Road
Merced, CA 95341

Response to Submission 592 (Matthew Kahl, Kahl Ranch, October 12, 2011)

592-1

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, MF-Response-WATER-2, MF-Response-WATER-3, MF-Response-GENERAL-4, and MF-Response-GENERAL-7.

Submission 593 (Samantha Kahl, Kahl Ranch, October 12, 2011)

593-1

The High Speed Rail Authority has not given my family ample time to review the Environmental Impact Report, considering this will have devastating effects on our family farm if the BNSF Alternate 1 route/Mariposa Way through Merced is approved.

The **Kahl Ranch** has been in existence for 153 years, since 1858 at our present location on Mariposa Way. Our home also resides in the path of this proposed route. The negative effects that this HSR has on our long-standing generational farm are immeasurable. The chance for our four children to carry on this farming tradition that we have struggled to keep viable will be, for all intent and purposes, destroyed.

Our home was built in 1909 by Frank Lloyd Wright and is a historic and community landmark. If your proposed route is approved, we will ALL be displaced from the only home we've ever known. The potential damage to our home from the train is incalculable. There is no possible way we can exist here with the damage that will be caused from the vibration of the trains barging through every 6 minutes. Our children's great-great-great Grandfather (Adam Kahl) came across from the East Coast to farm in this prime farmland we know as Plainsburg more than 150 years ago. It is unfathomable that the dreams we have, as parents that our children join us in agriculture will be destroyed, altered or diminished by this destruction of our farmland. The proposed route will destroy our Uncles home, our Aunt's home and our Grandfather's property. They are all in their early ninety's.... what will become of them when they are forced to move out of their homes by HSR?

Page 2
Kahl

Currently, my four children attend 3 different schools, all using Plainsburg Road as the main route. I would have to take alternate roads to drive them every morning and afternoon. I've calculated that this would be an additional 500 miles per month in driving alone, not to mention time. I can't imagine how this HSR can help my family or me!

The Plainsburg community and LeGrand area are mainly farmers and farm laborers. Farming prime agricultural land is this community's core livelihood and has for generation after generation. The HSR will leave an environmental and economic moonscape in which the surrounding communities will never recover from.

It is unthinkable that the HSR would change the original intent of the bill "to follow existing corridors" to what is being proposed currently. Now you want to go through prime farmland that was never part of the original bill. Is this because this may be the path of least resistance for a giant government takeover?

We ask for immediate elimination of **BNSF Alternate 1 route Mariposa Way**.

Samantha Kahl
2074 S. Whealan Road
Merced, CA 95341

Response to Submission 593 (Samantha Kahl, Kahl Ranch, October 12, 2011)

593-1

See MF-Response-CULTURAL-2, MF-Response-S&S-1, MF-Response-GENERAL-7, and MF-Response-GENERAL-8.

Submission 594 (Judy Kahl, Kahl Ranch, October 12, 2011)

My name is Judy Kahl. My husband Kitt and I have been married for 46 years and have 3 children and 7 grand children. Kitt was a college graduate with a proposed offer to play professional ball but instead chose to help continue the family farm.

I'm writing to let you know what it has been like for me to live and raise my children on the family farm. At a very young age, my children learned to work side by side with their father, grandfather, great-grand father, uncles and cousins. The impact and influences of the family on their lives continues today with them still working on the farm. It has been a great physical and financial struggle and unselfishness not only to us, but also on all the generations who were dedicated to continue farming the land that has been in the Kahl family for 7 generations.

Adam and Lydia Kahl traveled west from the east in 1856 leaving family behind that they never saw again, just to start a better life for themselves. They traveled by wagon for over 6 months to California. Lydia kept a diary of their travels and hardships. They settled in an area known only as Welch's Store on Mariposa Creek. Adam realized this was some of the best soil in the state. This climate demonstrated that all varieties that of grains could be raised in this area. We are thankful for all their hard work and perseverance to the land. The name Plainsburg appears in July 6, 1869 when a U.S. Post Office was established. Plainsburg had an established community in the early 1870's. The farmers did not want the Railroad to go through their fertile farmland and fought the rail system over 100 years ago so not destroy the farmland in their community. Although the commercial town of Plainsburg has disappeared because of the train bypassing this area but the school district has continued to strive due to this rich farmland that employs so many. Many families still living and farming in this community attended or attend the school of their ancestors. This is an honored heritage we want to preserve.

594-1

The financial impact of the HSR going through our farm will negatively impact the livelihood of 18 separate families. Many of our laborers have worked on our farm for over 20 years. The HSR will affect and financially impact their work and lives.

This current proposed BNSF Alternate 1 Route Mariposa Way (not the original which was chosen by voters) will destroy the heritage of 7 generations of Kahl's, our farm and our way of life.

We ask for the immediate elimination of **BNSF Alternate 1 Route Mariposa Way**.

Response to Submission 594 (Judy Kahl, Kahl Ranch, October 12, 2011)

594-1

See MF-Response-AGRICULTURE-1, MF-Response-GENERAL-2, MF-Response-GENERAL-4, and MF-Response-GENERAL-8.

Submission 595 (Kitt Kahl, Kahl Ranch, October 12, 2011)

595-1 | The question that first comes to mind concerning the Environmental Impact Report for High Speed Rail is: How can it be so far removed from what was voted on, from its choice of routes and its exorbitant cost, to the fact that the cost of trains and actual power use are complete unknowns. With so many changes it should have to go back before the people for a vote with the actual facts presented in the place of half-truths and outright lies.

595-2 | The EIR, with this little time afforded for study will be full of mistakes. We definitely need more time to react to this life changing government disruption called High Speed Rail.

The changes HSR would bring to our farm and family are so far reaching financially and environmentally; it's true impact will take years to comprehensively analyze.

- 595-3 | 1. A train stirring up dust and eliminating wells and waterways for 300 miles and using electricity from high cost sources because of the lack of proper infrastructure now in existence will negatively impact the environment.
- 595-4 | 2. The routes being considered will hurt wildlife species because its proximity to creeks and streams will cut off historic migration patterns.
- 595-5 | 3. The idea that people will move to the valley so they can buy a \$100 ticket everyday to work in Los Angeles or San Francisco is a joke. How can it be argued that HSR will provide better living conditions for valley residents or improve their environment?

- 595-6 | 4. What will the passenger screening system encompass? Will riders be required to go through airport-like security?
- 595-7 | 5. The public employment aspect of HSR will give taxpaying state residents another group of people with big salaries and large pensions to add to our overburdened government.
- 595-8 | 6. There are no current regulations concerning how much distance spray-rigs can operate from the rails when orchard or crop spraying is necessary. We are assuming it will be 150 feet on each side of the rails. That makes the swath of land we could not properly farm would be over 300 feet.

595-9 | In summary, on the Kahl Ranch a 300-foot swath for one mile would be about 40 acres. Our overall tax burden now is an average of \$500 to \$700 per acre, per year. The tax loss to local, state and federal government will be from \$20,000 to \$28,000 a year. Assuming, like most studies suggest, the HSR will lose money. You have to add to those losses all the farmland and businesses that lie in the rails path, as well as the taxes paid by them.

595-10 | The short-term impact on the Kahl Ranch would be \$3 to \$5 million dollars, but the long-term impact would be incalculable. The idea that HSR could buy a hundred foot strip through the middle of our farm is unacceptably obscene. It is not just that our farm is impacted, this project hatched by liberals and their beloved Unions should be wholly abandoned.

595-11 | The elimination of BNSF Alternate Route 1 Mariposa Way would be a good start.

Kitt Kahl
2074 S. Whealan Road
Merced, CA 95341

Response to Submission 595 (Kitt Kahl, Kahl Ranch, October 12, 2011)

595-1

See MF-Response-GENERAL-1.

595-2

See MF-Response-GENERAL-7.

595-3

See MF-Response-AGRICULTURE-1 and MF-Response-AGRICULTURE-4.

595-4

See MF-Response-BIO-2 and MF-Response-BIO-3.

595-5

See MF-Response-GENERAL-3.

595-6

See MF-Response-S&S-10.

595-7

A private operator would likely be chosen to operate the system, so no public employment would be used in the operation. The Authority would always maintain oversight of the system. The Authority Board of Directors would select the operator through an open and transparent competitive bidding process. Refer to the California High-Speed Rail Program Draft 2012 Business Plan for additional information on the planned business model for the HST Project.

595-8

See MF-Response-AGRICULTURE-5.

595-9

Property owners will be compensated for any acquisition, and the acquisition of property for the HST project will convert lands to a transportation related use. This conversion of property would result in all three counties losing property tax revenues. However, the loss of property tax revenues is a negligible effect under NEPA because the property tax

595-9

revenue lost from acquisitions is small compared to the total property tax revenues collected by the counties. Property tax impacts during operation of the project are discussed in Section 3.12.5.3 of the EIR/EIS. See MF-Response-SOCIAL-8 and MF-Response-GENERAL-8.

595-10

See MF-Response-GENERAL-2, MF-Response-GENERAL-4 and MF-Response-GENERAL-14.

595-11

See MF-Response-GENERAL-10, MF-Response-GENERAL-8

Submission 925 (Tony Jr. and Ernestine Mattos, Kansas Holstein Dairy, October 13, 2011)



Kansas Holstein Dairy

Tony Mattos, Jr. & Ernestine Mattos
8480 Kansas Ave. - Hanford, CA 93230
Phone: 559-685-0121

Fax: 559-582-0688

August 19, 2011

Joseph Szabo, Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Extension of EIR/EIS Comment Period-Fresno to Bakersfield
Section

Dear Mr. Joseph Szabo:

Attached is a letter, I wrote to Mr. Umberg and the Board Members. It's regarding extending the comments, from 45 days to 90 days or until November 10, 2011.

The High Speed Rail, just in around us, is going through 4 Dairy/Farms. It will have Tremendous effect on all 4. Not counting others, in it's alignment.

Please help, in any way possible. The High Speed Rail, is going to hurt our business and possibly destroy it. Times are hard enough and our life has been on a Dairy/Farm.

Please read the attached letter and HELP US !!!

Yours Truly,

Tony Mattos, Jr.
Kansas Holstein Dairy

2011 AUG 29 AM 11:24
OFFICE OF ADMINISTRATION
EXECUTIVE SECRETARIAT



Kansas Holstein Dairy

Tony Mattos, Jr. & Ernestine Mattos
8480 Kansas Ave. - Hanford, CA 93230
Phone: 559-685-0121

Fax: 559-582-0688

August 19, 2011

Thomas J. Umberg, Chairperson
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period-Fresno to Bakersfield
Section

Dear Mr. Umberg and Board Members:

925-1

We are asking for an Extension of EIR/EIS, to be able to have time to read, comprehend it and to be able to respond. It's such a large document. Please change from a 45 Day comment period to a 90 Days, or Until November 10, 2011.

925-2

It took my wife and I, 15 years to build up, our Dairy/Farm, to what it is now. Don't you agree, it's fair of us to ask for the extension. High Speed Rail wants to come in and take away, what we worked so hard for. Building a Freestall Barn, working our farm grounds to what they are now. Our ground, that your taking away, is what we use to grow our crops and feed our animals.

Dairy/Farms took a hard hit in 2008 and continue to. Some Dairyman have lost their Dairy/Farms, due to the hard hit. The Stress of just that, some Dairyman took their own lives (suicide). The stress of dealing with the economy and other issues alone is a lot. The High Speed Rail situation puts such Tremendous Stress on our lives. It is our Lively Hood, it's what we know, do and how we live our daily lives.

The impacts, High Speed Rail, is doing to our Dairy/Farm, is Extreme to Us. It's going to impact our farm ground, spraying ability, well, cattle, pipe lines, put angles on our farm ground and with the cost of commodities, we count on our farm ground for feed. I know you don't or may not understand, due to the fact, it is not impacting your life.

Again, I don't think we are asking a lot, Mr. Umberg and Board of Directors. Please think about what impacts, High Speed Rail, is putting on us and all of those, along the alignment.

Yours Truly,

Tony Mattos, Jr.
Kansas Holstein Dairy

Response to Submission 925 (Tony Jr. and Ernestine Mattos, Kansas Holstein Dairy, October 13, 2011)

925-1

See MF-Response-GENERAL-7.

925-2

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-6, and MF-Response-GENERAL-4.

Submission 652 (Jed Bennett, KB Home, South Bay Inc., October 13, 2011)

Merced - Fresno - RECORD #652 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/13/2011
Submission Method : Website
First Name : Jed
Last Name : Bennett
Professional Title : Forward Planner
Business/Organization : KB Home, South Bay Inc.
Address :
Apt./Suite No. :
City : Pleasanton
State : CA
Zip Code : 94566
Telephone : 925.750.1749
Email : jbennett@kbhome.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

October 13, 2011

California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

SUBJECT: Merced to Fresno Draft EIR/EIS Comments
RE: APN's 011-350-056 through 011-350-065 and 011-353-001 through 011-353-006

Deputy Director:

KB Home, South Bay Inc., a California Corporation with homebuilding operations in Northern California, has reviewed the Merced to Fresno Draft EIR/EIS, and has great concerns with the Alternative A2 route. As proposed, the Alternative A2 route will negatively impact the residential subdivision known as Orchard Pointe Estates, phases I, II and III. The proposed Alternate A2 route may eliminate approximately 15 residential lots, and severely impact the remaining 285 homeowners of the new community with increased noise levels, ground vibration, and reduced home values. KB Home does not support the Alternative A2 route as proposed.

The Orchard Pointe Estates community is a new residential subdivision consisting of 300 lots. Of the 300 residential lots, 175 have been developed with single family detached homes and are occupied by homebuyers. KB Home is actively building new homes in the Orchard Pointe Estates community, and intends to do so until the project is complete.

The proposed Alternative A2 route appears to eliminate 10 residential lots in Orchard Pointe Estates phase II, and 5 residential lots in Orchard Pointe Estates phase III. As shown on Appendix 3.1-A – Page 58, the project footprint would directly impact the APN's listed in the reference line above.

Furthermore, because of the proximity of the proposed Alternative A2 route to the remainder of the project, and the elevated high speed rail platform, all homeowners would be severely impacted. The exterior noise levels generated by the high speed train cannot be mitigated by the existing project sound walls, because the high speed rail platform will be elevated well above the existing sound walls. Additionally, the frequency of the high speed trains along the Alternative A2 route would create noise and vibration conditions incompatible with residential development. Lastly, the property values of the existing and future homeowners would be negatively impacted with the Alternative A2 route being located within the project boundaries.

The negative impacts relative to noise, ground vibration and decreased home values, are too severe for the California High Speed Rail Authority to impose upon a residential subdivision. For the reasons specified above, KB Home urges the California High Speed Rail Authority to avoid moving forward with the Alternative A2 route.

For questions or comments concerning this letter please contact the undersigned at (925)750-1749.

Sincerely,

Jed Bennett

652-1

652-2

652-3

Submission 652 (Jed Bennett, KB Home, South Bay Inc., October 13, 2011) - Continued

EIR/EIS Comment : Forward Planner, KB Home
Yes

Response to Submission 652 (Jed Bennett, KB Home, South Bay Inc., October 13, 2011)

652-1

See MF-Response-SOCIAL-1.

652-2

See MF-Response-NOISE-3 and MF-Response-NOISE-6.

652-3

See MF-Response-SOCIAL-2.

Submission 858 (Don Kojima, Kojima Development Company, October 10, 2011)

October 10, 2011
Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street
Sacramento, California 95814

RECEIVED
10-18-11 11:14 RCVD

Re: Kojima Development HMF Site

Dear Mr. van Ark,

My name is Don Kojima. I am a partner with Kojima Development Company. We are the majority owner of a 400 acre almond ranch in Chowchilla, California. We have submitted a proposal to the California High Speed Rail Authority (CHSRA) to locate the Heavy Maintenance Facility (HMF) on our property.

858-1

It has come to our attention that the February 2011, *Draft Wetlands Delineation Report: Merced to Fresno Section* indicates that our site (Kojima Development HMF Site Alternative) would impact approximately 0.75 acres of vernal pools and seasonal wetlands. This information is incorrect.

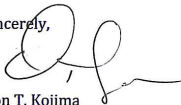
Our property currently is in full almond production on all 400 acres and has never had a vernal pool of any size existing on it. According to the U.S. Fish and Wildlife Service on their National Wetlands Inventory, there is a 0.75 acre vernal pool on a neighboring property, but it is more than a half a mile away from our property, and would not be impacted by our proposed HMF site.

This incorrect information was utilized by the U.S. Department of the Army in a letter dated June 14, 2011 and referenced by the United States Environmental Protection Agency in a concurring letter, undated but date stamped June 24, 2011. Their letters were addressed to the California High Speed Rail Authority.

We ask that you please correct this information in your records and that it be noted in the Environmental Impact Report (EIR).

Thank you for your attention to this matter.

Sincerely,



Don T. Kojima

cc: California High Speed Rail Authority Board Members

Response to Submission 858 (Don Kojima, Kojima Development Company, October 10, 2011)

858-1

See MF Response-BIO-1.

The HMF site analyzed in the EIR/EIS includes a larger parcel than just the property owned by Kojima Development Company. The HMF site includes other property where the vernal pools occur that is not owned by Kojima Development Company.

Submission 653 (Michael and Sherrine Knapp, Lazy K Ranch, October 12, 2011)

Comment Period Extended to October 13, 2011

El periodo a hacer comentarios está prolongado hasta del 13 de octubre de 2011

10-12-11A11:48 RCVD

CALIFORNIA High-Speed Rail Authority

Comment Card Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios reciben después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.

Name/ Nombre: Sherrine Knapp
Michael Knapp

Organization/ Organización: Lazy K Ranch

(Optional/Opcional)
Address/Domicilio: 28551 Santa Fe Dr
Chowchilla
CA 93610

City, State, Zip code/
Ciudad, estado, código postal: CA 93610

Phone Number/
Número de teléfono: 559-665-2908

Email address/
Correo electrónico: _____

October 9, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814

Our third generation ranch lies along the A1 Alternate route for the High Speed Rail. Our physical address, where we have lived for forty seven years, is 28551 Santa Fe Dr. Chowchilla. Our home is very near the Alternate A1 route. We have some serious concerns about the EIR/EIS and wish to ask questions and ask you to address some of our concerns.

653-1

We are a horse ranch, foaling out about 140 mares a year. The noise and vibration of passing High Speed Trains, would stress our foaling mares. They are very sensitive when they foal and seek quiet isolated places. We have been heavily involved in the business of raising horses for the past 30 years. The High Speed Rail could cause serious foaling problems plus cause young horses to run through fences.

653-2

We have fields on each side of the proposed A1 alternate route. If the High Speed Rail was constructed on this alternate route, it would make management of our fields and livestock very costly. Our cost of doing business would go up and we may have to lay off people because of the extra expense of servicing the fields on each side of the High Speed Rail corridor. Have you factored in the cost to private farms and ranches, and possibly the loss of jobs and increased costs of doing business ?

653-3

In the spring of 2009, I sent Jodie Ketelsen, one of your biologists, a book that John Vollmar had written entitled 'Wildlife and Rare

Submission 653 (Michael and Sherrine Knapp, Lazy K Ranch, October 12, 2011) - Continued

653-3

Plant Ecology of Eastern Merced County's Vernal Pool Grasslands' Has this publication been submitted as evidence of the endangered species habitat along the A1 Alternate route. All of our acreage has been surveyed and documented to have endangered species, such as Kit Fox, Tiger Salamander and Swainson's Hawk. Some of our ranch is in a preserve. Just to our north is 1200 acres which lies along the A1 Alternate route, which is now in a ecology preserve.

653-4

We have purchased a turkey farm just to the south of us, with the possibility of continuing it as a turkey farm. The High Speed rail would make this impossible, as the turkeys would not do well with all the disruption and noise of a high speed rail.

653-5

Why has the high speed rail authority even considered veering off and away from established corridors when the public was told it would only follow existing transportation corridors ? The A1 alternate route cuts through prime farm land and range land with endangered species habitat on it.

When California voters approved the High Speed Rail through our state, the cost estimate given to the voters was much less than the actual cost of constructing the High Speed Rail. Voters were misled. Voters were also told that the High Speed Rail would follow existing corridors. The A1 alternate route along the BNSF DOES NOT FOLLOW EXISTING TRANSPORTATION CORRIDORS. The A1 alternate route cuts across farm and range land.

Sincerely,



Michael Knapp
Sherrine Knapp

Response to Submission 653 (Michael and Sherrine Knapp, Lazy K Ranch, October 12, 2011)

653-1

See MF-Response-NOISE-1.

653-2

See MF-Response-AGRICULTURE-2.

653-3

The Merced to Fresno HST project will not impact the dedicated preserve within the Lazy K Ranch nor will it impact the ecological preserve occurring to the north. See MF-Response-BIO-2 and MF-Response-BIO-3.

653-4

See MF-Response-NOISE-1.

653-5

See MF-Response-GENERAL-10, MF-Response-GENERAL-8, and MF-Response-GENERAL-2.

Submission 657 (Ray and Maria Giampaoli, Live Oak Farms, October 11, 2011)



A California Limited Partnership
P.O. BOX 65 • LE GRAND, CALIFORNIA 95333
(209) 389-4576 • FAX (209) 389-0635



September 14, 2011

California High Speed Rail Authority &
Federal Railroad Administration
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Re: Merced to Fresno Draft EIR/EIS Comment

To the Authority and the Administration:

657-1

Our family business of eighty years and some of our land is now in jeopardy because of the BNSF hybrid route through Le Grand. Our Live Oak Farms packing facility provides income to a large population of people in LeGrand, Planada and Plainsburg. We currently employ 300 people seasonally each year with a 3.5 million dollar payroll. The two railroad crossings next to the plant must be left open for employees and trucks for shipping product and transporting product from the field.

Economically we will be impacted by the loss of agricultural jobs, land values and farming financing. Environmentally we will suffer loss of water, noise and urbanization. We are also on an earthquake fault and have a lot of habitat land surrounding us. Socially we will definitely be affected. This pioneer town dates back to 1850, the nectarine and boysenberry were propagated on the chosen route.

It will change our school environment and increase the financial budget for our school. The BNSF route will delay emergency response and close important roads for the people and students of Planada, Plainsburg and Le Grand where the tri-city high school is located.

657-2

Legally the comment period is too inadequate for the size of the project and we have a state-county law, "Right to Farm" law. The time period needs to be extended equal to Fresno South. Equal treatment is justified. It will cause chaos to the now quiet, peaceful farming community.

This is not what we interpreted when we went to the polls to vote on the statute for HSR.

Ray and Maria Giampaoli
Partners Live Oak Farms

Live Oak Brand Tomatoes & Peppers
GROWERS • PACKERS • SHIPPERS

Response to Submission 657 (Ray and Maria Giampaoli, Live Oak Farms, October 11, 2011)

657-1

See MF-Response-GENERAL-8, MF-Response-SOCIAL-2, and -Response-SOCIAL-3. The Hybrid Alternative is the preferred alternative for the Merced to Fresno section and avoids the community of Le Grand. In addition, the BNSF Alternative is elevated through the Le Grand and existing access points are maintained. The BNSF Alternative would acquire property that is currently vacant or residential in Le Grand and any businesses located immediately east of the BNSF railway corridor are not acquired for construction.

657-2


See MF-Response-GENERAL-7.

Submission 622 (Agnes Luker, Luker Ranch, October 12, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

10-12-11P01:49 RCVD

 **Comment Card**
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - **Audiencias Públicas**
Septiembre 2011

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Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on **September
28, 2011** will **not** be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a **28 de septiembre**
no se responderá en el EIR/EIS final.

Name/
Nombre: Agnes Luker

Organization/
Organización: Luker Ranch

(Optional/Opcional) 8491 Mariposa Way
Address/Domicilio:

Phone Number/
Número de teléfono: 209 722 4600

City, State, Zip code/
Ciudad, estado, código postal:
Merced, California 95341

Email address/
Correo electrónico: Aluker@hughes.net

Reference: APN067 050 047 000 and APN067 050 048 000

622-1 The original alignment for this project, at the time of a State vote emphasized
following current corridors, later referenced as UPRR or A-2 alignment.
Spring 2010, D02 and D03 appeared, which connected A-2 to A-1. A-1 being BNSF.
Spring 2011, A-1 alignment redirected D03 to the North side of Mariposa Way from
the South side.
With all these ongoing changes, how can land owners in these alignments accurately
respond? My property appeared in in 2010 and out in 2011.
I still feel impacted by the 2011 change. Disruption during a construction period,
permanent road closures, and overpass construction, are some of my concerns. The
entire community is still impacted.
(continued on reverse side)

- 622-2 Safety is a major concern. Emergency Service will be greatly hampered by all the
reconfiguration and closure of roadways. Even travel to the main traveling corridor of
SR99 is questionable. Also, how would HSR respond to an emergency on their line?
- 622-3 Farming required the moving of equipment on public roadways. Are these potential
overpasses going to accomodate the extra wide or heavy loads of the current equipment
used by farmers in the area?
- 622-4 The placement of "sub stations" have not been defined. Is this more land acquisition?
As the sub stations deal with the electricity for the HSR, who gets priority of the
electricity in extreme demand times, the HSR or the farmers and their crops that do not
tolerate much, if any, fluctuation in their growing practices?
It has been said all electricity will be from "green energy", where exactly is this
"green energy"?
- 622-5 Environmental issues seem to be a high priority in all ventures. Information has been
given that air quality will improve with HSR. That is highly questionable. The HSR
seems to be counting on an unrealistic number in ridership, which will park more cars.
One recent article has referred to less truck travel on the roadways, how is this
happening? With all the reconfiguration of farms, throughout the valley, the savings
of highway travel will be overtaken by the amount of extra miles having to be driven by
vehicles and equipment in the farming industry.
- 622-6 A-2 was approved by a State vote, so if this project must move forward, it must follow
the original plan, if it must continue at all.
- 622-7 The Business plan of this project must also be presented accurately and if not truly
feasible, dropped as a viable project.
The State of California cannot be saddled with an ongoing expenditure of this magnitude,
which is also a destruction of the agricultural community of California, which is a
non renewable, valuable, state resource.
Agnes Luker OCTOBER 10, 2011
- Comments previously submitted: 5-3-2010 and 6-7-2010.

Response to Submission 622 (Agnes Luker, Luker Ranch, October 12, 2011)

622-1

See MF-Response-GENERAL-10 and MF-Response-GENERAL-8.

622-2

See MF-Response-S&S-3.

622-3

See MF-Response-AGRICULTURE-2. Where public grade separations are built, they will be sized based on anticipated traffic level of service. For example, a local road replacement would typically consist of two 12-foot wide travel lanes and two 4-foot wide paved shoulders. Existing roads would therefore be replaced with roads of equal or greater width. Farm equipment that currently uses existing roads (in some cases with advance or tailing vehicles), would be able to use the new grade-separated roads. When a grade separation is installed to serve a private user, such as a farm, it will be built to a size that is mutually agreeable to the farmer and the Authority.

622-4

See MF-Response-PUE-1 and MF-Response-PUE-3.

622-5

See MF-Response-AQ-2 and MF-Response-TRAFFIC-2.

622-6

See MF-Response-GENERAL-2 and MF-Response-GENERAL-10.

622-7

See MF-Response-GENERAL-14 and MF-Response-GENERAL-6.

Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011)



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Anja K. Raudabaugh
Executive Director

October 13, 2011

Merced to Fresno Draft EIR/EIS Comments

California High Speed Rail Authority

770 L Street, STE#800

Sacramento, CA 95814

Merced_Fresno@hsr.ca.gov

The Madera County Farm Bureau (MCFB) appreciates the opportunity to submit comments on the *Draft Merced to Fresno Section Project DEIR/EIS, Volume I: Report*, dated August 2011 (DEIR/EIS). The MCFB has previously submitted comments to the California High Speed Rail Authority (Authority) in letters dated December 10, 2009, and September 22, 2010, attached to the end of this comment letter for reference. Preceding detailed comments on this DEIR/EIS, the MCFB would like to stipulate its paramount position on this Project in its current form. MCFB recognizes the California High Speed Rail Project (Project) as a pivotal step in the future development of the Central Valley; however we oppose any unmitigated loss of agricultural lands, agricultural incomes, or agri-business related to Madera's County's agricultural economy. If the Project proceeds, the MCFB supports the selection of the UPRR/SR99 North-South Alternative, so as to minimize the open space and agricultural impacts to the County; however not the level of compensatory mitigation provided with this Alternative. MCFB feels that due to the high additional burdens placed on agriculture in the County of Madera and throughout the Central Valley that the Project should seek out superior mitigation responses for the industry.

MCFB's comments are organized by DEIR/EIS Sections, beginning with a summary of the overall MCFB comments regarding the Project.

Summary of MCFB's Comments

- ✓ MCFB supports the UPRR/SR99 Alignment with additional mitigation measures (see comments)
- ✓ The Documents is required under CEQA (Public Resources Code §21065 and Public Resources Code §21003.1(b)) to consider the HWY 152 alternative along with Avenues 21 and 24 Wyes for relevance in the study area for this DEIR/EIS

666-1

Summary

S.1 The Summary Introduction and Background fails to identify an East-West project boundary area; although adequately identifies a North-South project termini.

S.5.1 The No Project Alternative summary fails to mention a description of the Least Environmentally Damaging and Practical Alternative (LEDPA) in Section 404(b)(1) of the Clean Water Act (CWA) 33 U.S.C. §1251 et seq.

The reference to projected County growth of Merced, Madera, and Fresno is not cited appropriately by the Counties referenced. More recent and updated County General Plans exist and should be used in the relevance of this document.

666-2

S.5.2 Although indicated that the Authority developed the SR 152 Wye with connections to all three north-south Merced to Fresno alignments, the section goes on to state that SR 152 East-West alignment and related wyes will be studied at a later date during the San Jose to Merced Project EIR/EIS. MCFB opposes this decision due to the following reasons:

1.) *The Approach is a Piece-Meal of a Tiered NEPA and CEQA Process* -Although the Project has been tiered as provided for in the NEPA; the decision to study a required phase of an alignment separate from its equal alignment alternatives is a piece-meal evaluation of the Project according to CEQA Public Resources Code §21065. According to CEQA, a project is defined as the "whole of an action, which has a potential for resulting in a either a direct physical change in the environment...or a reasonably foreseeable indirect physical change in the environment." All three East-West Wyes need to be considered as a mandatory component of the North-South Merced to Fresno Project and must be evaluated with equal importance. The public perspective of each must analyzed simultaneously to reach the most locally preferred alternative.

2.) *The Decision Not to Include SR 152 in this Project DEIR/EIS is a Violation of the CEQA Scoping Process* -The scoping process provided for in CEQA Guidelines §15082.-15084 is specific in stating that all comments recorded during a Notice of Preparation Project scoping phase shall be considered in the Draft EIR. MCFB provided comments to both the Madera County Board of Supervisors (see attachments) and to the Authority requesting that SR 152 be considered as a viable alternative in the East-West Wye alignments. The DEIR/EIS is also specific in stating that this configuration was studied in the *SR 152 Alternatives Analysis* (California High Speed Rail Authority, 2011). Yet, SR 152 was omitted from the field of study in this DEIR/EIS. CEQA does not allow a lead agency, in this case the California High Speed Rail Authority, to defer studies and mitigation measures when being considered as Project in whole to the public. This is a violation of Public Resources Code 21003.1(b), and been adjudicated successfully multiple times (*Better Environment v. City of Richmond* (2010) 184 Cal. App.4th 70 and *Watsonville Pilots Assn. v. City of Watsonville* (2010)183Cal.App.4th1059). MCFB repeats that the local ramifications of choosing an East-West Wye alternative are equal in importance to selecting a North-South alternative.

Madera County Farm Bureau

1

1102 S. Pine Street • Madera, CA 93637 • T-559.674.8871 • F-559.674.0529 • www.maderafb.com

2

Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-2

3.) *The Decision Not to Include SR 152 as an East-West Wye Alternative Does Not Provide the Public with an Environmentally Preferable Alternative or a Choice Beyond No Project Alternative; A Violation of both NEPA and CEQA* –In only analyzing impacts associated with Ave 21 and Ave 24 Wye connections, the public is presented with unavoidable and un-mitigated significant impacts –OR, that the No Project Alternative selected presents a growing population density that will spiral out of control if no action is taken. This choice is unacceptable and is not permissible under NEPA [42 U.S.C. 4321 et seq.] § 10 as well as under CEQA §21003.1 and CEQA Guidelines §15126.6(2).

S.8 Regarding the HST Alternatives Evaluation, MCFB again takes issue with the lack of SR 152 East-West Wye Alternative compared with the UPRR/SR 99, BNSF, and Hybrid Alternative for the following reasons:

- 1.) Had this alignment been included, the elevated profile and thus the total project footprint is subject for inclusion in Table S-1, as both will likely change based on the study of this alignment;
- 2.) The number of straddle bents and railroad crossings would also change when compared to the BNSF and Hybrid Alignments (*SR 152 Alternatives Analysis*, CHSRA 2011), and should be included for public analysis in Table S-1 for review by the public;
- 3.) The number of water crossings and thus Project footprint as it relates to environmental impacts and agricultural impacts would change dramatically. MCFB speculates that impacts would be far reduced and this should be reflected in Table S-1.
- 4.) The number of roadway closures and roadway crossings would also be dramatically reduced if SR 152 East-West had been included in analysis consideration. To omit this alignment is a detriment to the public's perspective in considering their comments and in determination of Project impacts.

666-3

Chapter 2.0 Alternatives

2.3.2 The derivation of alternatives in the DEIR/EIS indicates that alternatives considered in the *Preliminary Alternatives Analysis* (Merced-Fresno DEIR/EIS Technical Appendices 2011) Report were removed from further consideration because they "departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agricultural lands. " These alternatives included the UPRR/BNSF Hybrid and the Western Madera (A3) Alignments. However, the present Project being considered in the current DEIR/EIS includes a Hybrid Alternative that was never considered in the Preliminary Alternatives Analysis Report. This constitutes a violation of CEQA § 21002 and § 15002.(a)(3).

"...Primary impacts and, particularly, secondary impacts (such as highway improvements which provides access to a previously inaccessible area), and generally commit future generations to similar uses...must be analyzed and disclosed in all preceding Program, Project, and Alternatives Analyses...in order to provide adequate environmental analysis in any EIR thereafter..."

MCFB stipulates that the inclusion of a new, previously unanalyzed Alternative along either the North-West Alignment corridors or the East-West Alignment corridors is not in accordance with CEQA.

3

666-4

Section 3.12 Socioeconomics, Communities, and Environmental Justice

Environmental Justice

Madera County is entirely reliant on agricultural operations, their employees, and families to ensure fiscal success. MCFB contends that by not including agriculture as an impact area in the Environmental Justice section of the DEIR/EIS (page 3.12-5), an adequate assessment of the potential for minority populations to be disenfranchised by the Project was not completed.

3.12.3.4 Study Area for Analysis

The Document states, "... For population and household characteristics, including low-income and minority populations, census block group data were collected for the area within 0.5 miles of the centerline of the alignments." And, "...Because the majority of the residents are close to urban areas, census block groups with limited populations in the study area were not included in the demographic analysis."

MCFB is concerned that the study area is far too limited, as well as the potential for large minority and rural housing areas to have been excluded from both analysis and from public outreach by the Authority. Most of the agricultural operations throughout Madera County are supported by communities in the outskirts of the City of Madera, the City of Chowchilla, Kerman, Huron, and other communities far outside the half mile study boundary of the project. In addition, the Document says that population demographics were done using aerial photographs –a highly unorthodox practice regarding outreach and socioeconomics (see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307). This practice is commonly used during right of way proceedings to establish property assets in rural areas, but to utilize this method to determine the affected population, the ethnicity and income level of a population, is a poor precedent to set. Finally, by not assessing the extreme rural nature of these farming communities and the impact of potentially severing these communities' transportation routes to employment, the Project threatens to displace substantial amounts of existing housing elsewhere –an impact that is both significant and potentially unavoidable. This should be disclosed, analyzed and discussed in this DEIR/EIS.

Section 3.14 Agricultural Lands

3.14.2.2 State

California Land Conservation Act of 1965 (California Government Code §51200-51295) (also known as the Williamson Act)

The Project will impact Madera County's Williamson Act Program, regardless of the Alternative selected. Many of MCFB members farming operations rely on the financial relief that the Williamson Act provides. The Project will bisect many parcels, specifically along the Ave 21 and Ave 24 proposed Wye Alignments, bringing them below the minimum allowable acreage for the Williamson Act, and therefore, creating a material breach of contract between the land owner's and the County of Madera. A monetary penalty exists with that breach –which is not discussed or mitigated for in this DEIR/EIS. Without being able to

4

Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-5

maintain Williamson Act contracts, existing MCFB members and potentially new ones will find it more difficult to conduct profitable agricultural operations in Madera County.

MCFB asserts that the DEIR/EIS fails to adequately identify the severity of the impact on Williamson Act lands within Madera County. More specifically, with regards to NEPA, the DEIR/EIS does not identify the type of impact—a violation of NEPA's Disclosure policy [40 CFR§1500-15081] And although the document indicates CEQA significance criteria for the conversion of agricultural lands as being significant—MCFB asserts that adequate mitigation measures are not included in Table 3.14-16 *Summary of Significant Agricultural Land Impacts and Mitigation Measures*.

666-6

3.14.5.3 Temporary Use of Agricultural Land and Temporary Utility and Infrastructure Interruption

MCFB disputes the assertion in the DEIR/EIS that the temporary use of agricultural land for staging and material laydown areas is "...negligible under NEPA and less than significant under CEQA because the land would be used temporarily and restored; the land would not be permanently converted to a nonagricultural use." Many farming operations that reside along the footprint and in the proposed staging areas of the Ave 21 and Ave 24 Wye Alignments require year-round access to equipment, fields, infrastructure, and other utilities that would be detrimental if interrupted at any point throughout the year (CHSRA Supplement Appendix, Volumes III: Section E & F—Ave 21 and Ave 24 Alignments). These operations would be borne economically unfeasible if these basic utilities or access routes were cut off for even a period of a month, potentially less. The DEIR/EIS further states that these issues will be resolved during the right of way proceedings following the conclusion of the environmental review process. Acknowledging that a dispute-resolution process exists during the right-of-way process, the DEIR/EIS stipulates that monetary compensation will provide for solutions for farming operations affected but fails to indicate where the funds will come from, how they will be dispensed, from what accounts—Federal or State, and whether an actual right-of-way for HSR even exists. To date, the State budget nor the Federal Transportation Administration have any such account dedicated for this project and given the State and Federal budget crises, MCFB considers this form of mitigation to be unsubstantiated and a violation of CEQA§ 15002(a)(3).

Furthermore, with respect to this DEIR/EIS, the permanent loss of agricultural lands and lack of analysis on temporary construction activities is the most significant impact the Project's implementation possesses—yet yields the least amount of mitigation throughout the entire scope of impacts. MCFB takes issue with this disparagement and finds it disproportionate to the magnitude of significance this impact has on Madera County.

666-7

3.14-27 Project Impacts

MCFB asserts that the DEIR/EIS fails to identify numerous Project impacts throughout this section that will be potentially devastating to Madera County's agricultural production.

- There was no assessment on the loss of sales tax from the agricultural conversions in Madera County, which the Project is certain to cause. An estimate of these losses needs to be included as well as a description of compensatory mitigation measures.

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666-7

- No analysis was performed in the DEIR/EIS regarding the increase in water costs to the agricultural community in Madera County. This increase in cost would result from the increased mileage required of local irrigation district vehicles due to the loss of existing access roads—OR, through the loss of piping, irrigation infrastructure, or—and perhaps most importantly, due to the expected population growth caused by the Project.
- Regardless of the inclusion of the East-West Wye HWY 152 Alignment, the DEIR/EIS does not analyze the impacts to agriculture that selecting either Avenues 21 or 24 would directly have on statewide agricultural delivery and goods transportation systems. Any of the East-West Wye alternatives (including HWY 152) would have extreme ramifications on the truck delivery systems used in the Central Valley. Analysis of this system, its effects on agriculture, and appropriate mitigation needs to be included in this Project.
- The DEIR/EIS does not discuss or identify how the realignment of agricultural water delivery systems will affect agriculture—an impact that is so significant to the community that farming operations may cease to exist. Mitigation measures must be included to account for this activity that are compensatory in making the delivery systems whole as with pre-Project conditions.
- The DEIR/EIS does not discuss the impact the Project will have on the Madera Right to Farm Ordinance (*Madera County 1995 General Plan*).
- There is no discussion in the DEIR/EIS regarding spraying activities associated with agricultural operations—other than aerial applications. There are many forms of pesticide, fungicide, insecticide applications that occur in Madera County; none of which were discussed in this document. Additionally, many of Madera County's agricultural operations are required under California Law to follow pesticide application plans, certifications, and other regulatory requirements associated with applications of pesticides, which the document does not address at all. This impact should be disclosed as should the set of local and State laws that affect the significance criteria. Furthermore, the effects of these applications on HSR passengers, employees, or increased population density were not discussed in the DEIR/EIS.
- A threshold of significance regarding the level of allowable impacts to farming operations has been established under CEQA. However, local thresholds of significance for Madera County are more appropriate in determining the criteria of impact in this area and the Madera County General Plan 2009 was not discussed or used in this portion of the document. Local thresholds of significance are allowable under CEQA §15064.7(b) and should have been used in this DEIR/EIS as they contain current research on local and current farming practices, versus a Statewide standard.
- Due to the nature of the large over-crossings used in HSR, the impacts these structures will have on local agricultural operations were not addressed in this DEIR/EIS. Road closures, supporting beams, and necessary right-of-way structures will be a basic component of these over-crossings and all have the ability to impact operations significantly. In addition, the sub-environments these overcrossings may create (heat, light-sources, wind breakage, subsidence and soil seismicity variations) may have effects on the crop production areas they are located in and should be analyzed in this Document.

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Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-7

- Although discussed in Section 3.14.5.1, wind effects (referred to as “wake” in the Document) caused by the HSR vortex were not fully analyzed to include comparisons of typical valley floor wind patterns throughout the seasons. Disruption of these seasonal wind patterns can have drastic effects on local agricultural operations, which rely on the wind to negate frost impacts to crops. In addition, the effects of this vortex on apiary production and pollination—a \$26 million industry in Madera County (2010 *Agricultural Crop Report*, Madera County Department of Agriculture), were not analyzed in detail in the Document. In addition to being a major agricultural industry in Madera County, countless tree fruit, nut, and other specialty crops rely on cross-pollination throughout the year and would be economically distressed were there to be a disruption system-wide of the pollination process.
- MCFB stipulates that the DEIR/EIS does not address Sanitary—Phytosanitary (SPS) Issues facing California agriculture. SPS standards are provided for and administered under the Animal and Plant Health Inspection Service (APHIS) and are the products of decades of debate during the WTO SPS Summits. USDA, as the interested Federal Agency under CEQA—should be consulted under NEPA CFR§21056.9 by the Federal Transportation Administration, so as to provide appropriate comments on the affects the HSR will have on SPS standards in the Central Valley. APHIS PPQ (Plant Protection and Quarantine) Department has outright authority to regulate railways (CFR§25-1010) and will absolutely do so when the Project becomes operational. Any and all analysis regarding this is critical issue is missing. The reality that passengers riding the HSR will ultimately have the ability to traverse SPS Red-Zone areas (areas that include SPS non-enterables include Mexico and South America, catch a train in LA, and then continue their journey up the entire length of the world’s largest domestic and export supplier of food poses a significant security risk to both the Country, the Central Valley, and Madera County’s viability.

In addition, MCFB feels that the following impacts, although discussed in this Section, are marginalized and their significance not adequately designated.

- The DEIR/EIS does not discuss in great-enough detail impacts related to bifurcating farmland, the effects of replacing wells, pipelines, and irrigation systems. As previously mentioned, farming operations may cease to exist if even a small portion of these activities are disrupted due to the financial strains placed on the businesses. Mitigation is not included in the DEIR/EIS and deferring to the right-of-way process is a violation of CEQA (Public Resources Code§21003.1(b)) as adequate mitigation is required in the case of a significant impact caused by a project.

666-8

Section 3.18 Regional Growth

The DEIR/EIS indicates throughout the document and again in this section that the Project would not create regional growth but would serve to enhance the planned communities of the Central Valley. MCFB takes issue with this statement as Madera County has some of the lowest housing costs in the State, contained only through some geographic isolation. There is a presumption in the Document that the thousands of HSR passengers and employees would not affect the existing population of Madera County. When higher paying jobs are a short train ride away, this presumption cannot be accurate. This

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666-8

impact should be included as a significant one, and one that also requires mitigation to Madera County to address this potential for rapid growth—additional urban sprawl from the communities of Merced and Fresno (to which the Project will include Stations to), and consequently roadway and highway impacts during this plausible population expansion.

Lack of Project Business Plan and Obligation under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970

666-9

MCFB takes issue with the Authority’s judgment to publish a DEIR/EIS without having completed an operational business plan to date. Estimates of profit, loss, ridership, and feasibility of the Project are reliant on business models from other countries’ HSR systems—a situational discrepancy for the State of California, in which operational efficiency functions very differently because of the higher costs of living, permitting, and constructing a project. These discrepancies should be remedied prior to the issuance of a Final EIR/EIS. In addition, mitigation measures that are applicable to the Project and its affected constituency—may not have been included in this DEIR/EIS, because there is no business plan. By way of example, if the Authority had developed a business plan detailing a clear definition of Project value—the costs of permitting and constructing the HSR, versus the profits generable by the Project, overall alternatives posed for consideration may change. This again, should be evaluated against all other Project impacts prior to making a decision on the most practical alternatives.

666-10

Moreover, MCFB takes issue with the Authority’s extensive reliance on Title 49, Part 24 CFR, the Uniform Relocation Assistance and Real Property Acquisition Act. Based on the Federal cost-share rules from the Federal Transportation Administration (FTA) (28 U.S.C. § 2412 (d)) for this project—the FTA is NOT ABLE to provide monetary assistance for relocation or condemnation due to the type of funds being used. Any selection of a highway re-alignment or in this case, one of several alternatives proposed, requires the FTA to defer to the Federal Highway Administration (FHWA), which is not obligated under statute to participate in the condemnation proceedings that allow for high valuation of property. Furthermore, NEPA does not require any Federal agency in this case to value the land or property at a high level [49 CFR 24.102(c) (2) (ii)], increasing the likelihood that condemnation proceedings and ALL funds for these efforts will be undertaken by the State of California and its taxpayers. The details of property acquisition were not included in a budget manifesto in the original Proposition 1A intent or bylaws. MCFB stipulates that this impact is not accounted for on any level in the DEIR/EIS and has not been properly analyzed to allow the Project to move forward with the FEIR/EIS phase. As a significant, potential cost—this Project impact should be included for ALL alignment alternatives.

666-11

Although CEQA provides for minimum 45 day statutory review period for the DEIR/EIS, as well as the granted additional 15 days for review by the public of this document- MCFB feels that the 60 day review period was far too short given the quantity of new information in the document. The alignments proposed in the Project have changed throughout time, and outreach with our affected membership takes time to make them fully aware of how they may be affected—a process which should have been taken on by the Authority with more due process.

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Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

The Madera County Farm Bureau is available to meet with the CHSR staff to thoroughly work through the issues contained in this letter. If you have any questions or need further information, please contact Anja Raudabaugh at (559) 674-8871 or via email at araudabaugh@maderafb.com

Sincerely,



Tom Rogers

Board President

Madera County Farm Bureau



Anja Raudabaugh

Executive Director

Madera County Farm Bureau



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Julia D. Berry
Executive Director

December 10, 2009

Chairman Curt Pringle
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

**RE: Merced to Fresno High Speed Train Project EIR/EIS
Opposition to Route A-3**

Dear Chairman Pringle:

Madera County Farm Bureau represents the farmers, ranchers and individuals who support the agricultural industry in Madera County. Revenue generated by local farming industries is the primary source of tax revenue and the main economic driver for the county.

The Board of Directors for Madera County Farm Bureau (MCFB) regards the California High Speed Rail (HSR) project as a pivotal step in the future development of the Great Central Valley. We remind you that one of the stated goals in the construction of HSR is to minimize environmental impacts and to stay near existing transportation corridors. Proposed Route A-3, which cuts through Madera's fertile Westside farmland is not in alignment with this objective, and forces Madera County agriculture to pay the price for nearby cities that benefit from HSR stops in their communities. It is imperative that routes for the HSR enhance the planning processes that are ongoing in the Central Valley and reflect the ideals and economic needs of those who live in the region.

Thousands of Central Valley inhabitants participate in Governor Schwarzenegger's "California Partnership for the San Joaquin Valley," a visioning process for growth in the area. One of the goals of the Partnership is to develop a long-range strategy for agriculture in the San Joaquin Valley that ensures its viability and sustainability. The objectives of this process are: to develop a long-range plan to maintain the viability of agriculture in the region, to minimize the proliferation of ranchette development on farmland, and to reduce the loss of farmland attributable to General Plan amendments.

Additionally, the City of Madera completed its Vision 2025 project, and city dwellers overwhelmingly advocated for the preservation of agricultural lands. Both of these processes are germane to the placement of HSR routes, as they exhibit the desire of Central Valley inhabitants to support the proliferation and sustainability of agriculture in our communities. Placement of High Speed Rail routes should respect the

Madera County Farm Bureau

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Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

desires of tax payers and community voices who want to preserve an agricultural economy.

The farmers who farm today are doing so because it is a vocation they have chosen, not because it is an easy way of life. They continue to stay in business in the face of inexorable environmental regulation and uncertain water supplies. An entire population of voters is reliant upon farming as a means to provide for their families; and they have to fight to continue living an agrarian lifestyle.

A project like High Speed Rail must value the priorities of rural peoples on par with urbanites, especially in the Central Valley, where agriculture production leads in its contribution to the tax base.

As a voice for Madera County agriculture, we express **strong opposition** to the proposed route through Westside farmland (Route A-3). We have attached a description of the reasons for our position.

We welcome your inquiries and look forward to working toward a route selection that is a win-win for California and for rural counties.

Sincerely,



Julia D. Berry
Executive Director

cc: Carrie Bowen, Deputy Director, California High Speed Rail
Madera Board of Supervisors
City of Madera
City of Chowchilla
Madera Irrigation District
Chowchilla Water District
Merced County Farm Bureau
University of California at Merced

Attachment

Madera County comments in Opposition to Proposed Route A-3

The process by which Route A-3 was chosen does not represent the will of the landowners in the area. At a public meeting in Madera, crayons were provided for individuals to freely draw lines on a map to make suggestions for railways. It was at this meeting that an unknown participant randomly drew what is now seriously being considered as a possible route. Proposed Route A-3 has taken a life of its own with no input from those who will be drastically affected. Now, the agricultural industry is left holding the bag because of a loosely structured process that was driven by individuals who were not required to weigh the pros and cons of destroying agricultural lands. This line was obviously created by one who lacks comprehension of the critical role of farming and ranching in our economy and our way of life.

Secondly, the most visible representative of the farming community, Madera County Farm Bureau, was not contacted regarding the proposal of Route A-3. As a result, letters sent from the High Speed Rail Authority for access to private property have not been greeted warmly by recipients. These letters are the first contact with the affected parties, and landowners believe they have been blind-sided. A ground-swell of unhappy people is growing, and politically, HSR has created a problem. This will not bode well should HSR staff attempt to negotiate with private landowners, as the lack of outreach was handled poorly.

Route A-3 ignores property lines, diagonally cutting parcels. Madera County farmland parcels are organized on a grid; Route A-3 disrupts clean property lines by diagonally cutting through ranches, leaving landowners holding the bag. The proposed HSR Route A-3 will create islands of land that will be too small to justify the financial inputs required to farm, rendering these parcels unfarmable, therefore, unprofitable. Secondly, the HSR estimates that this route will only require 720 acres of farmland to come out of production. This is a gross underestimate, when factoring the setbacks that are already enforced upon agricultural practices by existing regulations, requiring that farming practices occur at a certain distance from urban centers, schools, homes, traffic, etc.

Transportation systems are not compatible with agricultural operations, due to existing stringent laws and regulations.

California has the most rigorous set of laws and regulations for the handling and application of fertilizers, herbicides, and pesticides in the country. For example, chemical sprays must be applied at a specific wind speed, according to law (between 2-10mph). Should the speed increase, farmers must shut down their spraying operations and wait for more favorable conditions. It is prohibited by law for a chemical to drift, especially onto a passenger or human transit vehicle. This is a constant

Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

challenge with the presence of school buses on rural roads. Should there be a "suspected drift," the bus in question must be swabbed by the County Agricultural Commissioner's office, and the grower faces tens of thousands of dollars in penalties. However, buses only run at certain times of the day, whereas, HSR trains will be present throughout the day and night. Not yet considered is the effect of a 250 mph train near farms – certainly chemical applications will be subject to drift with this level of air transfer. Lastly, aerial spray applications, vital to many agricultural crops, will be impossible with the regular presence of a human transportation system, as it will create a public safety issue.

Irrigation canals and irrigation systems will be interrupted and costly to reconfigure. Irrigation water travels through canals by gravity pull. Should this flow be interrupted, expensive pumps will need to be employed to deliver water to homes and ranches. There are irrigation canals running east to west about every mile and it would be a massive project to bury each one at each crossing.

High Speed Rail wind impacts on flowering trees and bee pollination will cause a decrease in yields. Permanent crops such as almonds, pistachios and grapes are the top commodities grown in Madera County. Nut crops, such as almonds, require that bees be present to complete pollination. Without bee activity, which is provided by employing a bee keeper to bring hives to the orchard, almond trees will not produce a crop. Bees are very particular about the types of conditions that they will work in, including: temperature and *wind speed*. A high speed train traveling at 250 miles per hour is very disruptive to bee activity, not to mention lethal. Additionally, strong wind will blow blooms off of flowering trees, like almonds and grapes, when flower counts are directly related to crop yields.

Farmland is not replaceable, there is no true mitigation for farmland, as it is not a renewable resource. California loses 100,000 acres of farmland per year to transportation and development projects. Farmland is the only property that is privately held, from which families make their livings. There are 82,000 farms in California, and 64,000 of them are family farms. We implore you to recognize that farmland is not simply flat land for the taking. It is home to real people, and real families. There is an emotional tie to the land and a historical value that may not be replaced by "preserving" farmland in another area with mechanisms such as farmland easements. Urbanites need farmland also, as it provides the lifestyle that we all enjoy – the luxury of finding anything and everything we want at any given time at the grocery store or restaurant. Please do not squander this nonrenewable resource.



September 22, 2010

Chairman Tom Wheeler
Madera County Board of Supervisors
200 W. Fourth Street
Madera, CA 93637

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Jeff Mc Kinney

Michael Naito

Dino Petrucci

Al Sheeter

Kole Upton

Julia D. Berry
Executive Director

**RE: Addition of Hwy 152 Alignment to High Speed Rail
Oppose Western Chowchilla Design Option**

Dear Chairman Wheeler:

As you know, the Madera County Farm Bureau (MCFB) is deeply involved at the local and state level in route selection for the California High Speed Rail (CHSR) project. In most recent months, we have focused on the proposed alternatives for the East-West corridor, which links the Bay Area section of track with the Merced to Fresno section.

We respectfully request that the Madera Board of Supervisors require that the Hwy 152 alignment is added as an additional alternative for the East-West corridor. We encourage your Board to ask the High Speed Rail Authority to adhere to the existing transportation corridor at Hwy 152, and to propose a redesign option of the interchange at Hwy 152/Hwy 99, if necessary to accommodate a high speed train.

We understand that the modification and/or additional construction and design necessary to make this Hwy 152 alignment viable are unattractive to high speed rail staff due to increased costs and design challenges.

However, we submit that Madera County is asked by the High Speed Rail Authority to be disproportionately generous when it comes to the absorption of impacts for the construction of this project. Our county will not benefit from a rail stop, yet will accommodate the connecting "Y" for the system, thereby requiring large land forfeitures by the community as a whole. As our county grows in population and vehicle traffic, Madera will be hard pressed to find the resources to mitigate increased demand for our highway system. Furthermore, Madera will surely feel the traffic impacts of constituents leaving our county to ride the high speed train. This is an opportunity to update our current system.

The MCFB Board of Directors has taken a position of opposition to both the Avenue 21 and Avenue 24 East-West corridor alternatives. We ask that you refrain from endorsing either of these proposed routes and instead request that Hwy 152 is studied for this section. For reasons of disruption of farming activities and the displacement of several businesses and home sites, these proposed routes remain undesirable for landowners along these avenues. This position of opposition has been recorded by high speed rail staff and was included in their presentation to the High Speed Rail Authority on August 5, 2010.

Additionally, MCFB opposes the currently proposed Western Chowchilla Design Option. This alternative does not follow existing property lines and will be financially

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Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-14

devastating to landowners by devaluing their properties. Local banking institutions have indicated that severance of farm properties will trigger mandatory appraisals. Appraisers have guaranteed that this situation will require loan modification due to a reduction in assets necessary to make loans to family farms.

666-15

We remain in support of Route Alternative A-2 (Hwy 99). We oppose Route Alternative A-1 (BNSF), as it requires 20 miles of additional track, thereby creating a new transportation corridor. The reasons for these positions have been explained in writing and on the record at many Madera Board of Supervisors hearings.

We thank you for attention to this request and look forward to your response.

Sincerely,



JIM ERICKSON
President
Board of Directors

Cc: Madera Board of Supervisors
Madera County Farm Bureau Board of Directors
Raymond Beach, Madera County Resource Management Agency
Norman Allinder, Madera County Resource Management Agency



September 22, 2010

Chairman Tom Wheeler
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200 W. Fourth Street
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Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

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We remain in support of Route Alternative A-2 (Hwy 99). We oppose Route Alternative A-1 (BNSF), as it requires 20 miles of additional track, thereby creating a new transportation corridor. The reasons for these positions have been explained in writing and on the record at many Madera Board of Supervisors hearings.

We thank you for attention to this request and look forward to your response.

Sincerely,



JIM ERICKSON
President
Board of Directors

Cc: Madera Board of Supervisors
Madera County Farm Bureau Board of Directors
Raymond Beach, Madera County Resource Management Agency
Norman Allinder, Madera County Resource Management Agency

Response to Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011)

666-1

Thank you for your input. We have made the necessary edits in the Summary of the EIR/EIS. EIR/EIS Chapter S.11, Summary of Changes between the Draft and Final EIR/EIS, states that Chapter 1 was updated to reference the EPA and COE LEPA concurrence letters (March 23, 2012 and March 26, 2012 respectively). See Chapter 1 for more details.

Between the draft and final versions of the EIR/S, information was updated as needed to reflect the most current versions of County General Plans.

666-2

See MF-Response-GENERAL-1 regarding tiering, the appropriate level of analysis, and deferred mitigation; MF-Response-GENERAL-2 regarding the alternatives selection process; MF-Response-GENERAL-16 regarding the decision on the Wyes; and MF-Response-GENERAL-22 regarding piecemealing.

Contrary to the comment, there is no prohibition against modifying the project after the scoping process. Comments received during scoping were considered during preparation of the EIR/EIS. That does not mean that all suggestions provided in those comments were followed.

The public has been provided with an environmentally preferred alternative and this is not inhibited by deferring action on the SR152 Wye. The USACE and EPA have concurred on with the Authority/FRA on a "least environmentally practicable alternative" for purposes of the Section 404 CWA without the need to include the Wye at this time. The Authority and FRA recognize that the Wye alternatives have their own benefits and impacts. Those will be disclosed in more detail, thereby allowing a more informed choice, in the EIR/EIS being prepared for the San Jose to Merced section.

666-3

See MF-Response-GENERAL-2. The purpose of the alternatives analysis is to document the selection of alternatives. It is not, however, intended to strictly limit the range of reasonable alternatives that can be considered in the EIR/EIS -- particularly where the Hybrid alternative presented in the EIR/EIS is a modification of the prior hybrid. Contrary to the comment, the Hybrid alternative is properly being evaluated in

666-3

the EIR/EIS, as required by CEQA and NEPA.

666-4

See MF-Response-GENERAL-4, MF-Response-GENERAL-5, and MF-Response-SOCIAL-7. Census data is based upon information from the 2010 Census and includes those census tracts and census block groups with 0.5 mile of the HST alternatives. Where the census areas are very large geographically, often extending for miles beyond the study area, aerial photography was used to verify the presence of residential development within the 0.5 mile study and these census areas were not included. Aerial photography was not used for the demographic analysis.

The reference to Sundstrom v. County of Mendocino [negative declaration overturned on the basis of improperly deferred mitigation] is not on point.

666-5

See MF-Response-AGRICULTURE-7 regarding Williamson Act impacts. Property owners can raise this issue with the Authority's appraiser during the acquisition process.

The impact on agriculture is disclosed in Section 3.14 of the EIR/EIS. The discussion of the NEPA analysis in that section has been revised to clarify the application of impact "context" and "intensity" when determining significance.

666-6

Temporary uses will be compensated through essentially the same process described in MF-Response-AGRICULTURE-4. Right-of-way agents will negotiate compensation with property owners on a case-by-case basis, taking into account each property's unique qualities, prior to construction occurring. This right-of-way acquisition and compensation process is part of the project design features described in Section 3.12.6 (see also Appendix 3.12-A). As such, no separate mitigation measure is necessary. Also see MF-Response-GENERAL-4.

Funding for mitigation is included in the total project cost as a percentage of the total project cost. The FRA and Authority have a binding commitment to fund mitigation measures presented in the FEIR/EIS.

Response to Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-7

See MF-Response-GENERAL-4 regarding impacts on the agricultural economy, MF-Response-AGRICULTURE-3 relating to severance, MF-Response-AGRICULTURE-4 relating to severance, MF-Response-AGRICULTURE-5 relating to the spraying of pesticides, MF-Response-WATER-1 regarding impacts to water systems, MF-Response-WATER-4 regarding impacts to water supply, and MF-Response-SOCIAL-8, relating to losses of tax revenues.

Right-to-Farm ordinances exist in both Merced and Madera counties. Text has been added to Table 3.14-1 to acknowledge these policies. These ordinances help protect ongoing agricultural operations from nuisance complaints, typically originating from new residential areas. There would be no conflicts with the HST project, nor would the project affect implementation of the ordinances.

With regard to microclimate effects – the potential for project features to change wind currents, trap heat, or create cold pockets – the Authority and FRA agree that overpasses and berms may create “sheltered” areas that would modify the microclimate in immediately adjacent areas. Sheltering effects on crops would likely be similar to effects from a high density (i.e., low permeability) windbreak, and those effects have been investigated over many decades. Changes to temperature, humidity, and plant-water relations may be possible, depending on location, orientation of the windbreak with respect to prevailing winds, height of windbreak, crop type, and soils. The degree of sheltering is typically defined in relation to the height of the “windbreak,” and impermeable windbreaks (i.e., such as a berm) obstruct and deflect air flow to create a small, sheltered zone close to the windbreak (up to 10 times the windbreak height) before turbulent wind eddies contact the ground (Nuberg 1998); and the greatest sheltering would occur on the leeward side of the windbreak. Most wind break effects that have been reported are beneficial and include increases in yield associated with the “shelter effect”—defined as the enhanced yield of a crop grown in the sheltered microclimate created by a windbreak (Cleugh 1998; Nuberg 1998; Heiligmann, R.B. 2006; Campi et al. 2009). Positive effects that have been reported include:

- Decrease in wind erosion and topsoil loss
- Improved crop water use efficiency, due to reduced evapotranspiration with reduction in turbulent transfer of heat and water vapor from plant leaves.
- Reduced cold stress (from winds associated with cold fronts);

666-7

- Reduced mechanical damage from winds;
- Reduced evaporation from soil, and maintenance of available soil moisture for crop growth

The absolute effects – whether positive or negative – are hard to predict and could depend on location and seasonality (e.g., with variable weather among years, by crop grown and growth stage of individual crops, etc.). For example, small temperature increases could be beneficial in years with below-average temperatures, but potentially harmful in years with above-average temperatures. Whether or not there could be any detrimental effects on crop growth resulting from microclimate effects from HST overpasses and berms is uncertain but would likely not be substantial. Increases in temperature within the sheltered zone have been reported, but magnitude of temperature change is rarely more than 2 degrees (Nuberg 1998), which would be unlikely to cause burning of plants. The prevailing wind direction in the vicinity of the Merced to Fresno HST Project is from the northwest. The HST alignment would provide some degree of shelter from winds, and greatest effects would be expected where the track orientation is perpendicular to the direction of wind flow. For example, if prevailing winds are from the west, then an east-west HST alignment (i.e., along the wyes or the Mariposa/Mission design options) would not provide a barrier air flow.

New roadway crossings over the alignment would be up to 30 feet high; embankments would have 2:1 slopes or flatter[kwh1] . Therefore, adjacent crops would be greater than 60 feet from the top of the embankment at its highest point. As mentioned previously, maximum sheltering occurs within a distance of up to 10 times the height of a windbreak (Nuberg 1998); therefore, some degree of sheltering effects might occur within a distance of up to 300 feet from the top of the roadway embankment, and much of this area would not be cropped. Whether sheltering effects would be beneficial, as has been reported, or would be detrimental, isn't known with certainty, but empirical evidence suggests that effects would be negligible. For example, crops are successfully grown in areas adjacent to very large levees in the Delta, and there is no evidence to suggest that these levees create microclimates that result in crop yield reductions.

The application of pesticides, fungicides, and insecticides are part of current, ongoing agricultural operations and would not be changed by the HST project. Certification of pesticides and related regulations are not pertinent to this project.

Response to Submission 666 (Anja Raudabaugh, Madera County Farm Bureau, October 13, 2011) - Continued

666-7

As discussed in Section 3.13.2 of the Final EIR/EIS, the HST Project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. Although this is the case, the analysis did include a review of the goals and policies of the local land use plans, as well as other plans, to describe the local land use planning context. Local land use plans are not applicable to the HST Project because it is a project of the state and federal governments, which are not subject to local governments' jurisdiction issues of land use. Consequently, a city or county is not "an agency with jurisdiction over the project" as described in Appendix G. Therefore, although the EIR/EIS describes the HST project's consistency with local plans in order to provide a context for the project, inconsistency with such plans is not considered an environmental impact.

Plant pathogens are typically carried in plant material being moved between areas of the state or from outside the state, or in foodstuffs similarly being brought into the Central Valley from outside. Riders in the HST are unlikely to carry plant material on the train because of space limitations. The HST will not carry freight. Food may be carried onto the HST, but is no more likely to carry plant pathogens than food being transported in personal vehicles along the many highways and roads that pass through the Central Valley. In addition, the HST trainsets are sealed to the outside and passengers cannot physically release any materials from the train in motion. Therefore, the HST will not substantially increase the existing risk of the entry of plant pathogens. Should there be an outbreak of a plant pathogen within the Valley or the threat of a plant pathogen moving into the Valley from an outbreak elsewhere in the state, the limited number of HST stations will facilitate the establishment of inspection areas that will allow the transport of plant and food materials by HST to be controlled.

666-8

See MF-Response-GENERAL-3.

666-9

See MF-Response-GENERAL-6.

666-10

See MF-Response-SOCIAL-1 regarding the Uniform Relocation Act and MF-Response-

666-10

GENERAL-18 regarding funding and costs.

666-11

See MF-Response-GENERAL-7.

666-12

See MF-Response-GENERAL-14.

666-13

MF-Response-GENERAL-2 regarding alternatives, and MF-Response-GENERAL-16 discussing the decision to defer a decision on the Wyes.

666-14

See MF-Response-GENERAL-16 regarding the decision on the Wyes, MF-Response-GENERAL-2 regarding the alternatives, and MF-Response-GENERAL-10. SR152 is one of the alternative routes for the Wyes being analyzed in the San Jose to Merced EIR/EIS. The Western Chowchilla Design Option is one of the options available under the Hybrid alternative. A decision on which of the two Chowchilla options will be chosen will be made when the Wye alternative is selected. The Authority recognizes that the Western Chowchilla option has potentially adverse effects on agriculture.

666-15

See MF-Response-GENERAL-10.

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Richard Williams Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: _____ Email: _____

978-1

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I WANT A2.

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Gloria Brown Organization: INDIVIDUAL/CITIZEN
(Optional)
Address: 1125 TORONADO DR. Phone: (559) 479-8776
City/State/Zip: MADERA Email: Cashulerfamily2005@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I WANT A2.

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued

Feb 03 10 05:20p Nurse Consultants

559-438-6556

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Claudette Heilman Organization: Hill Ave CDB/C
(Optional)
Address: _____ Phone: 718-0411
City/State/Zip: Madera 93637 Email: almondjoy@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

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Nurse Consultants

559-438-6556

p.1



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

674-9241
COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Cindi Galvan Organization: _____
(Optional)
Address: _____ Phone: 363-1421
City/State/Zip: Madera, CA Email: Cingalvan@stcsidai.net

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Liz Runyon Organization: _____
(Optional)
Address: _____ Phone: (559) 240-0278
City/State/Zip: Madera CA Email: runyon-L@Madera.k12.ca.us

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Lance Leech Organization: Valley Westl. Com. Church
(Optional)
Address: _____ Phone: (559) 907-4610
City/State/Zip: Madera CA Email: VWCC.pastor.lance@hotmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

02/05/2010 13:48 FAX 5596755594

MED STAFF

001

Name: Linda L. Lewis Wright Organization: S.O.A.R. Ministries
(Optional) Address: P.O. Box 783 Phone: 559-674-0787
City/State/Zip: MADERA, CA 93639 Email: MINISTRIESOAR@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Lisa Essex Organization: _____
(Optional) Address: 26792 Frisco Way Phone: 559-662-0158
City/State/Zip: Madera CA 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

001

MED STAFF

02/05/2010 13:48 FAX 5596755594

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Vernon Macos Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera, Ca 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I WANT A2.

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: CHARLES ALEXANDER Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: MADERA, CA 93637 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I WANT A2.

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Patricia Alexander Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera, CA Email: _____
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I WANT A2.

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Heather Williams Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera, CA Email: _____
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Alice Chanra Organization: _____
(Optional)
Address: _____ Phone: (559) 232-4678
City/State/Zip: Madera CA 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
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- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Annette Salazar Organization: _____
(Optional)
Address: _____ Phone: (559) 323-3541
City/State/Zip: Madera CA 93638 Email: a.salazar@strongtowerfinancial.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Raul Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 706-8065
City/State/Zip: Madera CA 93638 Email: arredond_r@madera.k12.us

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Mary Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 706-1514
City/State/Zip: Madera CA
93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
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- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Raul B. Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 718-0658
City/State/Zip: Madera CA Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Manuel Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 706-7070
City/State/Zip: Madera CA Email: mba1reco7@comcast.net
93636

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis, Public Meeting

Name: Corrina Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 645-8315
City/State/Zip: Madera CA Email: _____
93636

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis, Public Meeting

Name: Ric Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 681-5176
City/State/Zip: Madera CA Email: Ric.Arredondo@gmail.com
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Alyssa Arredondo Organization: _____
(Optional)
Address: _____ Phone: (559) 706-6779
City/State/Zip: Madera CA Email: Alyssa03@Gmail.com
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Danny Aguirre Organization: _____
(Optional)
Address: _____ Phone: (559) 307-8478
City/State/Zip: Madera CA Email: 307-7478
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Salvador Chiz Organization: _____
(Optional)
Address: _____ Phone: (559) 706-6823
City/State/Zip: Madera CA Email: salvadorchiz@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: E'mma Torres Organization: _____
(Optional)
Address: _____ Phone: (559) 871-2707
City/State/Zip: Madera CA Email: emma.torres@yahoo.com
93637

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Jose Rubio Organization: _____
(Optional)
Address: _____ Phone: (559) 661-1225
City/State/Zip: Madera CA Email: j-rubio@rocketmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Nick Torres Organization: _____
(Optional)
Address: _____ Phone: (559) 479-1372
City/State/Zip: Madera CA Email: nick-nap18@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Kristin Torres Organization: _____
(Optional)
Address: _____ Phone: (559) 661-1225
City/State/Zip: Madera CA Email: Torres - Ekristin@yahoo.com
93637

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Katie Rodriguez Organization: _____
(Optional)
Address: _____ Phone: (559) 661-1225
City/State/Zip: Madera CA Email: KTVickiRod@yahoo.com
93638

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Myra Alvarez Organization: _____
(Optional)
Address: _____
City/State/Zip: Madera CA Phone: (559) 474-6586
93638 Email: myra.madera@aol.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Anne Lozano Organization: _____
(Optional)
Address: _____
City/State/Zip: Madera CA Phone: (559) 664-8110
Email: lozano-A@madera.k12.ca.us

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Luise Razo Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera CA Email: Coachrazor@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Tim Richie Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera CA Email: richie-t@madera.k12.ca.us

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- **I want A2.**

Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011) - Continued

Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Richard	Williams							
California Resident	Gloria	Brown	Individual/Citizen	1125 Toronado Dr.	Madera	CA		(559) 479-8776	cashu.com
California Resident	Claudette	Hallman	Hull Are CDGIC		Madera	CA		93637 (559) 718-0611	almosom
California Resident	Cindi	Galvan			Madera	CA		(559) 363-1421	cindyrunyetsvwccom
California Resident	Liz	Runyon			Madera	CA		(559) 240-0278	
California Resident	Lance	Leech	Valley West Com. Church		Madera	CA		(559) 907-4610	
California Resident	Linda L.	Lewis Wright	S.O.A.R. Ministries	P.O. Box 783	Madera	CA		93639 (559) 674-0787	minis
California Resident	Lisa	Essex		26792 Frisco Way	Madera	CA		93638	
California Resident	Vernon	Macon			Madera	CA		93638	
California Resident	Charles	Alexander			Madera	CA		93637	
California Resident	Patricia	Alexander			Madera	CA		93637	
California Resident	Ella Mae	Williams			Madera	CA		93638	
California Resident	Alice	Chavira			Madera	CA		93638 (559) 232-7678	
California Resident	Annette	Salazar			Madera	CA		93638 (559) 323-3541	asalacalcoarred
California Resident	Raul	Arredando			Madera	CA		93638 (559) 706-8065	
California Resident	Mary	Arredando			Madera	CA		93638 (559) 706-1514	
California Resident	Raul R.	Arredando			Madera	CA		(559) 718-0656	
California Resident	Manuel	Arredando			Madera	CA		93636 (559) 706-7070	mbar
California Resident	Corrina	Arredando			Madera	CA		93636 (559) 645-8315	
California Resident	Riz	Arredando			Madera	CA		93638 (559) 681-5176	ricarr
California Resident	Alyssia	Arredando			Madera	CA		93638 (559) 706-6979	alysoc
California Resident	Danny	Agurre			Madera	CA		93638 (559) 307-7478	
California Resident	Salvador	Chia			Madera	CA		(559) 706-6823	salvas
California Resident	E'mira	Torres			Madera	CA		93637 (559) 871-2707	emira
California Resident	Jose	Rubio			Madera	CA		(559) 661-1225	j_rub
California Resident	Nick	Torres			Madera	CA		(559) 479-1372	nick_j
California Resident	Kristin	Torres			Madera	CA		93637 (559) 661-1225	torren
California Resident	Katie	Rodriguez			Madera	CA		93638 (559) 661-1225	kwick
California Resident	Myra	Alvarez			Madera	CA		93638 (559) 474-6586	myra_lozans
California Resident	Anne	Lozano			Madera	CA		(559) 664-8110	
California Resident	Louie	Razo			Madera	CA			coach
California Resident	Tim	Riche			Madera	CA			richie

Response to Submission 978 (Madera Friends of HSR Form Letter, Type 9, Madera Friends of HSR, October 13, 2011)

978-1

See MF-Response-GENERAL-10.

Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011)



Name: Maria Hernandez Organization: _____
Address: 805 Greenway Apt D Phone: (559) 395-6774
Madera CA 93638 Email: mariahernandez074@gmail.com

979-1

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Maria Padilla Organization: Estudiante
Address: 1132 N. D. St Phone: 559 395-6774
Madera CA 93638 Email: _____

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Ramona Mendez Organization: Student
Address: 1132 North D St Phone: 975-9749
Madera CA 93637 Email: _____

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The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

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Name: Jeffery Ramsey Organization: Student
Address: Fairfield Phone: 805-674-3655
Madera CA 93637 Email: JeffRamsey@gmail.com

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Rebekah Lara Organization: Student
Address: 19971 Oak Hill Rd Phone: (559) 675-0230
Madera CA 93638 Email: lara5mail@yahoo.com

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

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It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Elexus M Organization: student
Address: 93638 Phone: (559) 718-5023
Madera CA _____ Email: _____

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The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Todd Smith Organization: Student
Address: 1404 Laceria Ave Phone: 559-363-9828
Madera CA 93638 Email: _____

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It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Ty'quan Newl Organization: student
Address: _____ Phone: (559) 673-1434
Madera CA 93638 Email: _____

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The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Leticia Cedillo Organization: Student
Address: 17826 Rd 26 Phone: 977-9967
Madera CA 93638 Email: _____

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The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Priscilla Cervantes Organization: —
Address: 412 N Lake Phone: (559) 232-0183
Madera CA 93638 Email: —

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The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Jesse Cervantes Organization: Student
Address: 412 N. Lake #B Phone: (559) 416-0495
Madera CA _____ Email: Jcervantes8872@yahoo.com

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

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It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Alejandra Cervantes Organization: _____
Address: 412 N. Lake St. #B Phone: (559) 975-6713
Madera CA _____ Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued



Name: Phillip Perez Organization: _____
Address: 18575 Rd 25 Phone: (557) 718-7868
Madera CA 93638 Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

It is incumbent upon HSR and our community to work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Danny Cervantes Organization: na
Address: 412 North Lake Phone: na
Madera CA _____ Email: Danny.Cervantes@yahoo.com

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Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011) - Continued

Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Maria	Hernandez		805 Greenway Apt D	Madera	CA		93638 (559) 395-6774	maria
California Resident	Maria	Padilla	Student	1132 N. D St.	Madera	CA		93638 (559) 395-6774	.com
California Resident	Ramona	Mendez	Student	1132 N. D St.	Madera	CA		93638 (559) 975-9749	
California Resident	Jeffery	Ronsey	Student	Fair Field	Madera	CA		93637 (559) 674-3655	jeffla
California Resident	Rebekah	Lara	Student	19971 Oak Hill Rd.	Madera	CA		93638 (559) 675-0230	lara5i
California Resident	Elexus	M	Student		Madera	CA		93638 (559) 718-5023	
California Resident	Todd	Smith	Student	1404 Lacerta Ave.	Madera	CA		93638 (559) 363-9828	
California Resident	Ty'quan	Neal	Student		Madera	CA		93638 (559) 673-1434	
California Resident	Leticia	Cedillo	Student	17826 Rd 26	Madera	CA		93638 (559) 977-9967	
California Resident	Priscilla	Cervantes		412 N Lake	Madera	CA		93638 (559) 232-0183	jccrv
California Resident	Jesse	Cervantes	Student	412 N Lake #B	Madera	CA		(559) 416-0495	m
California Resident	Alejandra	Cervantes		412 N Lake #B	Madera	CA		(559) 975-6713	
California Resident	Phillip	Perce		18575 Rd 25	Madera	CA		(559) 718-7868	
California Resident	Danqany	Cervantes		412 North Lake	Madera	CA			dany

Response to Submission 979 (Madera Friends of HSR Form Letter, Type 8, Madera Friends of HSR, October 13, 2011)

979-1

See MF-Response-GENERAL-10.

Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011)



Name: SANTI morales Organization: _____
Address: 1201 Nebraska Av Phone: 574-3991
Madera CA 93637 Email: _____

980-1

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes a long way in helping us achieve the goals of Madera's *Vision 2025* plan.

Finally, the A2 Alignment gives us the best chance of landing the Heavy Maintenance Facility in our community. We need jobs! With unemployment hovering between 18 and 22%, the HMF will bring thousands of good paying, permanent jobs. Is there another project that would provide the much needed economic boost that our community and our leaders have been clamoring for?

It is incumbent upon HSR and our community that we work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Margarita Martinez Organization: _____
Address: 1884 Madison Phone: 664 0729
Madera CA Ma 93638 Email: _____

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The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Angelica Martinez Organization: _____
Address: 1202 Kathryn Ave Phone: (559) 674 4011
Madera CA 93638 Email: _____

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The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Name: Oraceli Lopez Organization: _____
Address: 17131 Circle Dr. Phone: 674-0628
Madera CA 93638 Email: _____

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Adefo Ortiz Organization: _____
Address: 1212 11/2 Davis St. Phone: 675-3552
Madera CA _____ Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

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Name: Jose Cruz V. Hernandez Madera Organization: _____
Address: 517 W. Cleveland St Phone: (559) 288-5834
Madera CA _____ Email: _____

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Ruben Cano Organization: Custodian
Address: 217 High St Phone: 673-9411
Madera CA 93658 Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Finally, the A2 Alignment gives us the best chance of landing the Heavy Maintenance Facility in our community. We need jobs! With unemployment hovering between 18 and 22%, the HMF will bring thousands of good paying, permanent jobs. Is there another project that would provide the much needed economic boost that our community and our leaders have been clamoring for?

It is incumbent upon HSR and our community that we work together to reduce the number of negative impacts, especially those that are avoidable. As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Lynn Cogdell Organization: Madera County
Address: 2300 West 3rd St Phone: 559-252-1841
Madera CA 93657 Email: lynn.cogdell@madera.ca.gov

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Rocio Varga Organization: _____
Address: 16315 Faineu Phone: 559 661 45-09
Madera CA 93638 Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Name: Guillermina Guzman Organization: _____
Address: 1216 Nebraska Av. Phone: 66 21689
Madera CA 93638 Email: _____

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Marilyn Cano Organization: MUSD (Teacher)
Address: 217 High St. Phone: 673-9411
Madera CA 93638 Email: canogto@yahoo.com

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Name: Francisco Santiago Organization: _____
Address: 713 Green Way Apt D Phone: 559 661259
Madera CA 93638 Email: _____

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The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Miguel Rivera Organization: _____
Address: 1025 S. Filled Phone: 675 3714
Madera CA 93638 Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

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Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Santi	Morales		1201 Nebraska Ave	Madera	CA		93637 (559) 674-3991	
California Resident	Margarita	Martinez		1884 Madison	Madera	CA		93638 (559) 664-0729	
California Resident	Angelita	Martinez		1202 Kathryn Ave	Madera	CA		93638 (559) 674-4011	
California Resident	Anaceli	Lopez		12131 Circle Dr.	Madera	CA		93638 (559) 674-0628	
California Resident	Adolfo	Ortiz		1112 Davis St.	Madera	CA		(559) 675-3652	
California Resident	Jose Cruz	Villanueva		317 W. Cleveland	Madera	CA		(559) 288-5834	
California Resident	Ruben	Cano	Custodian	217 High St.	Madera	CA		93638 (559) 675-9411	
California Resident	Lynn	Cocqill	Madera County MUSO	2300 West 3rd St	Madera	CA		93657 (559) 252-1841	lynnco
California Resident	Rocio	Varga		16315 Tainew	Madera	CA		93638 (559) 661-4509	
California Resident	Guillermina	Guzman		1216 Nebraska Ave.	Madera	CA		93638 (559) 662-1689	
California Resident	Maria	Cano	MUSO (Teacher)	217 High St.	Madera	CA		93638 (559) 675-9411	canoq
California Resident	Francisco	Santiago		713 Green Way Apt. D	Madera	CA		93637 (559) 661-1259	
California Resident	Miguel	Rivera		1025 Graffied	Madera	CA		93638 (559) 675-3714	

Response to Submission 980 (Madera Friends of HSR Form Letter, Type 7, Madera Friends of HSR, October 13, 2011)

980-1

See MF-Response-GENERAL-10.

Submission 982 (Madera Friends of HSR Form Letter, Type 5, Madera Friends of HSR, October 13, 2011)



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Mark Delano Organization: _____
(Optional) Address: 7846 Rd 48 Phone: 239-7384
City/State/Zip: Madera Email: _____
93637

Why we support the A-2 alignment in Madera
County of the High Speed Rail

**A-3 and A-4 are *not on transportation corridors*. They will
cut through our farms and houses. They are
environmentally damaging.**

The A2 alignment **follows existing rail and highway corridors**
and is the **confirmed** alignment by counties north and south of
Madera.

A-2...has the most community support!

A-2...protects our farm lands!

**A-2...creates a fantastic urban renewal project in
downtown Madera!**

Please fill out this Comment Card & Fax to:

Maderans for High Speed Rail, 559-674-9261

These cards are being collected and will be distributed to local elected officials & the CA High Speed Rail
Authority.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Liz Delano Organization: _____
(Optional) Address: 7846 Rd 48 Phone: 260-3685
City/State/Zip: Madera Email: lizdelano@hotmail.com
93637

Why we support the A-2 alignment in Madera
County of the High Speed Rail

**A-3 and A-4 are *not on transportation corridors*. They will
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Submission 982 (Madera Friends of HSR Form Letter, Type 5, Madera Friends of HSR, October 13, 2011) - Continued

Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Mark	Delano		7826 Rd 28	Madera	CA		93637 (559) 289-7384	
California Resident	Liz	Delano		7826 Rd 28	Madera	CA		93637 (559) 260-3685	lirdel

Response to Submission 982 (Madera Friends of HSR Form Letter, Type 5, Madera Friends of HSR, October 13, 2011)

982-1

See MF-Response-GENERAL-10.

Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011)



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Respond to the Merced to Fresno High-Speed Train Section
in the context of the project
Alternative 2: Alignment 2: Public Meeting

Name: Rosita Mendoza Organization: Friend
(Optional) Address: _____ Phone: (559) 363-0069
City/State/Zip: Madera CA 93637 Email: yoalabymama07@hotmail.com

**Why we support the A-2 alignment
of the High Speed Rail**

A-3 and A-4 are not on transportation corridors. They will cut through our farms and houses. They are environmentally damaging.

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We want A-2!!!!!!!!!!



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Respond to the Merced to Fresno High-Speed Train Section
in the context of the project
Alternative 2: Alignment 2: Public Meeting

Name: Jeannette David Organization: Care giver
(Optional) Address: 2858 Ave 22 Phone: 559 71-8080
City/State/Zip: Madera CA 93638 Email: mollyb@sbc.net

**Why we support the A-2 alignment
of the High Speed Rail**

A-3 and A-4 are not on transportation corridors. They will cut through our farms and houses. They are environmentally damaging.

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We want A-2!!!!!!!!!!

Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Madera to Fresno High-Speed Train Section
Environmental Impact Statement
Attachment 2: Reply to Public Meeting

Name: Chris David Organization: parent
(Optional) Address: 28583 AVE 22 Phone: (559) 871-8080
City/State/Zip: 93638 Email: ChrisDavid@yahoo.com

Why we support the A-2 alignment of the High Speed Rail

A-3 and A-4 are *not* on transportation corridors. They will cut through our farms and houses. They are environmentally damaging.

The A2 alignment follows existing rail and highway corridors and is the **confirmed** alignment by counties north and south of Madera.

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We want A-2!!!!!!!!!!



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Madera to Fresno High-Speed Train Section
Environmental Impact Statement
Attachment 2: Reply to Public Meeting

Name: Austin David Organization: nePew
(Optional) Address: 28564 AVE 22 Phone: 559-363-0278
City/State/Zip: 93638 Email: yznepewBeezy@yahoo.com

Why we support the A-2 alignment of the High Speed Rail

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The A2 alignment follows existing rail and highway corridors and is the **confirmed** alignment by counties north and south of Madera.


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We want A-2!!!!!!!!!!

Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Mended to Fresno High-Speed Train Section
Comments and Recommendations
Alternative: Fresno to Madera

Name: Celeste P. & Michael Organization: Student
(Optional) Address: 123 South Lake St. Phone: (559) 706 1029
City/State/Zip: Madera, CA 93638 Email: Celeste@Hsrail.com

**Why we support the A-2 alignment
of the High Speed Rail**

A-3 and A-4 are not on transportation corridors. They will cut through our farms and houses. They are environmentally damaging.


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 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Mended to Fresno High-Speed Train Section
Comments and Recommendations
Alternative: Fresno to Madera

Name: Natalie Martinez Organization: Student
(Optional) Address: 3275 95th St #B Phone: 718-5730
City/State/Zip: Madera, CA 93638 Email:

**Why we support the A-2 alignment
of the High Speed Rail**

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Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Memo to Fresno High-Speed Train Section
in support of the proposed
Madera to Fresno High-Speed Rail

Name: Alfredo Espinoza Organization: Students
(Optional) Address: 219 Gabriel Phone: 673-12-26
City/State/Zip: 93693 Email: _____

**Why we support the A-2 alignment
of the High Speed Rail**

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 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Memo to Fresno High-Speed Train Section
in support of the proposed
Madera to Fresno High-Speed Rail

Name: Nicholas Reyes Organization: student
(Optional) Address: 1025 Barnett way Phone: 661-9254
City/State/Zip: Madera Ca 93697 Email: Slightr@yahoo.com

**Why we support the A-2 alignment
of the High Speed Rail**

A-3 and A-4 are *not* on transportation corridors. They will cut through our farms and houses. They are environmentally damaging.

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Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Impact Statement
Attachment A-1, July 2010 Edition

Name: Isaac Ruiz Organization: Student
(Optional) Address: _____ Phone: 559-514-0523
City/State/Zip: Madera, CA 93637 Email: I.Ruiz95@yahoo.com

**Why we support the A-2 alignment
of the High Speed Rail**

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Impact Statement
Attachment A-1, July 2010 Edition

Name: Timothy DeCaro Organization: Student
(Optional) Address: _____ Phone: 559-363-0838
City/State/Zip: CA/Madera 93638 Email: _____

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Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Madera to Fresno High-Speed Train Section
Environmental Impact Statement
Alternative 1 Only - Final EIR/EA

Name: Fernando Perez Organization: Student
(Optional)
Address: 619 South Madera Ave Phone: (559) 718-0907
City/State/Zip: 93638 Email: Junebug.Perez@yahoo.com

Why we support the A-2 alignment of the High Speed Rail

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Madera to Fresno High-Speed Train Section
Environmental Impact Statement
Alternative 1 Only - Final EIR/EA

Name: Bradley DL Organization: Student
(Optional)
Address: Ave 22, Madera Phone: (559-871-8080) (673-8564)
City/State/Zip: madera, cali. 93638 Email: bradleydunn@rocketmail.com

Why we support the A-2 alignment of the High Speed Rail

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Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Respond to California High-Speed Train Section
Environmental Impact Statement
Alternative Routes and Right-of-Way

Name: Enrique Torres Organization: Student
(Optional) Address: _____ Phone: (559) 420-7021
City/State/Zip: Madera CA 93638 Email: Torres.enrique70@yahoo.com

**Why we support the A-2 alignment
of the High Speed Rail**

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Respond to California High-Speed Train Section
Environmental Impact Statement
Alternative Routes and Right-of-Way

Name: Corina Diaz Organization: Student
(Optional) Address: 1201 Dealivally Phone: (559) 232-1064
City/State/Zip: Madera CA Email: Corinadiaz88@yahoo.com
(93638)

**Why we support the A-2 alignment
of the High Speed Rail**

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Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011) - Continued


Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Rosita	Mendoza	Friend		Madera	CA		93637 (559) 363-0069	ycbat
California Resident	Jeannette	David	Care giver	28583 Ave 22	Madera	CA		93638 (559) 871-8080	om
California Resident	Chris	David	Parent	28583 Ave 22	Madera	CA		93638 (559) 871-8080	molly
									chris
									yoneq
California Resident	Austin	David	Nephew	28564 Ave 22	Madera	CA		93638 (559) 363-0778	m
California Resident	Beidler	P	Student	123 South Lake St	Madera	CA		93638 (559) 706-1089	aebe1
California Resident	Natalie	Martinez	Student	327 Fig St. Apt #8	Madera	CA		93638 (559) 718-5730	
California Resident	Alfredo	Espinosa	Student	219 Gabriel	Madera	CA		93683 (559) 673-1226	
California Resident	Nicholas	Reyes	Student	1025 Barnett Way	Madera	CA		93637 (559) 661-9254	slig94
California Resident	Isaac	Ruiz	Student		Madera	CA		93637 (559) 514-0523	i.ruiz
California Resident	Timothy	Decarosa	Student		Madera	CA		93638 (559) 363-0836	
California Resident	Fernando	Perez	Student	618 South Madera Ave.	Madera	CA		93638 (559) 718-0907	JuneB
								(559) 871-8080, (559) 673	bradl
California Resident	Bradley	DL	Student	Ave. 22	Madera	CA		93638 8564	mail.c
California Resident	Enrique	Torres	Student		Madera	CA		93638 (559) 420-7021	torre
									m
California Resident	Corina	Diaz	Student	1201 Dealvally	Madera	CA		93638 (559) 232-1864	corin
					Madera	CA			

Response to Submission 983 (Madera Friends of HSR Form Letter, Type 4, Madera Friends of HSR, October 13, 2011)

983-1

See MF-Response-GENERAL-10.

Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011)


 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Vanessa Rodriguez Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera, CA 93636 Email: nessarodora@hotmail.com

984-1

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.


 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Linford GRANT Organization: _____
(Optional)
Address: _____ Phone: 559-363-3442
City/State/Zip: MADERA 93637 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.


Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Baudelia Sanchez Organization: Ø
(Optional) Address: 20873 Ave. 15 Phone: Ø
City/State/Zip: Madera CA, 93637 Email: cloe_hearts_jr@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.


 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Katherine Garcia Organization: N/A
(Optional) Address: 818 Terrace Place Apt Phone: (559) 706-2247
City/State/Zip: Madera CA 93637 Email: katherinegarcia@gmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.


Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Shawn Nelater Organization: Statensel seed
(Optional)
Address: 10942 Bar 91 Phone: 408-438-0565
City/State/Zip: Madera, CA 93638 Email: nelater@shawn91@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Lizeth Lemeli Organization: 6
(Optional)
Address: 6 Phone: (559) 871-4896
City/State/Zip: Madera CA 93638 Email: 6

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Comments

Name: Mariano Gutierrez

Organization: _____

(Optional)
Address: _____

Phone: (559) 675-8896

City/State/Zip: Madera/CA/93637

Email: nanotech - 69@hotmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Comments

Name: Roberto Salazar

Organization: _____

(Optional)

Address: _____

Phone: 559-481-0329

City/State/Zip: Madera/CA/93637

Email: RobertoSalazar@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

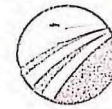


CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Fabia Ighal Organization: _____
(Optional)
Address: _____ Phone: 559 1664-9481
City/State/Zip: Madera, CA 93637 Email: Sorahigal@yahood.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- I want A2.




CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Gerardo Lopez Organization: _____
(Optional)
Address: 1304 Currey Ave Phone: 232-0590
City/State/Zip: Madera, CA 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Laura Perez Organization: _____
(Optional)
Address: 1035 S. Boyd Dr. Phone: 8591842-5183
City/State/Zip: Kerman, CA 93630 Email: per29008@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Jose Gonzalez Organization: Student SCCD
(Optional)
Address: _____ Phone: (559) 474-0598
City/State/Zip: Madera, CA 93638 Email: jcg122@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Gloria Jauregui Organization: _____
(Optional)
Address: 410 South G St Phone: ES
City/State/Zip: Madera, CA 93637 Email: JaureguiGloria@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.




COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Boris Rudolfs Organization: _____
(Optional)
Address: _____ Phone: (559) 485-3600
City/State/Zip: Madera, CA 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.


Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Stephen Mancinich Organization: Student Seed
(Optional)
Address: 747 Mainberry Drive Phone: (559) 706-1605
City/State/Zip: Madera CA 93637 Email: Royalroad14-07@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Arjy Pinedo Organization: _____
(Optional)
Address: 27245 Sycamore Rd Phone: (559) 232-1162
City/State/Zip: Madera, CA 93637 Email: arjy.pinedo@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Lupe Virrueta Organization: Ø
(Optional)
Address: 1110 Le Colingana St. Phone: Ø
City/State/Zip: Madera, Ca 93637 Email: Ø

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Ezequiel Perez Organization: _____
(Optional)
Address: 4317 Rd 277 Phone: 975-7948
City/State/Zip: Madera CA 93637 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Brian Sanabria Organization: _____
(Optional)
Address: 1291 E Peckin AVE Phone: 559-232-4586
City/State/Zip: Madera CA 93637 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Mana A Salazar Organization: _____
(Optional)
Address: 705 4th St. Apt 101 Phone: 559-481-0389
City/State/Zip: Madera CA 93637 Email: mana_gdp@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merged to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis, Public Meeting

Name: Dawla Amen Organization: _____
(Optional)
Address: _____ Phone: 559 363-5560
City/State/Zip: Madera CA Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merged to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis, Public Meeting

Name: Abraham Garcia Organization: Student
(Optional)
Address: _____ Phone: (559) 363-1704
City/State/Zip: Madera, CA 93637 Email: abrahamgarcia@att.net
g mail

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Ricardo Reyes Organization: Student SCCC
(Optional)
Address: 6354 Road 20 1/2 Phone: (559) 491-0490
City/State/Zip: Madera CA 93638 Email: Reyes.Ricardo3@gmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Jaquelyn Fairchild Organization: _____
(Optional)
Address: 2419 Sunset Rd Phone: (559) 1676-6483
City/State/Zip: 93638 Email: jaquelyn.fairchild@live.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Briselda Lopez Organization: Shirley Seced
(Optional)
Address: 445 Chestnut Ave Phone: (559) 874-395-2324
City/State/Zip: Madera CA, 93637 Email: br15-xoxo@ymail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Eder Touchlanca Organization: Student
(Optional)
Address: 431 Stinson Phone: (559) 674-2114
City/State/Zip: Madera CA Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Sarah Moreno Organization: _____

(Optional)
Address: 78 Wallace Phone: 674-1605

City/State/Zip: Madera Ca Email: sarahmoreno5@aol

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Enrique Reyes Organization: STUDENT SCOD

(Optional)
Address: 80 LOS LINDOS WAY Phone: 673-5912

City/State/Zip: Madera CA 93639 Email: enrique17reyes62@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Holkebrown Organization: _____
(Optional)
Address: _____ Phone: 841-2600
City/State/Zip: San Jose, CA 95127 Email: hholkebrown@stanford.edu

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Luana Mendoza Organization: Student SCCD
(Optional)
Address: _____ Phone: (559) 232-5393
City/State/Zip: _____ Email: Luana.Mendoza@stanford.edu

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Gurwinder Kaur Organization: Student
(Optional)
Address: _____ Phone: _____
City/State/Zip: _____ Email: Gurwinder@CSUFresno.edu

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.




CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Maribel Valenzuela Organization: _____
(Optional)
Address: 1304 Carey Ave Phone: 559 661-3798
City/State/Zip: Madera Ca 93638 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Dariana Suarez Organization: Student
(Optional)
Address: 709 Sonora St. Phone: 479-0772
City/State/Zip: Madera CA 93638 Email: dariana_anaya@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
- I want A2.

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Edgar Munoz Organization: student
(Optional)
Address: 15110 Ave. 8 Phone: (557) 975-8074
City/State/Zip: Madera CA 93637 Email: edgar_joaquin22@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Jose A. SALAS Organization: student sccc
(Optional)
Address: 1184 Hazelnut Phone: (559) 481-2712
City/State/Zip: Madera/CA/93637 Email: EPA2171@yahoo.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Maria Martinez Organization: _____
(Optional)
Address: 749 lilie st Phone: 673-4246
City/State/Zip: Madera CA 93607 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Idagay Mera Organization: _____
(Optional)
Address: 29105 Ave 13 1/2 Phone: 559 363-1200
City/State/Zip: Madera CA 93636 Email: _____

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
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- I want A2.



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Martin Gernache Organization: _____
(Optional)
Address: _____ Phone: _____
City/State/Zip: Madera CA 93636 Email: martin.gernache@xuh.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
- A2 provides us with the best opportunity for the HMF which would bring jobs.
- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Esmeralda K. Mendez Organization: Student SSCD
(Optional) Address: _____ Phone: (559) 664-2107
City/State/Zip: Madera CA 93638 Email: sent.ed101@gmail.com

- I support the A2 alignment through the City of Madera.
- A2 is the CHSRA preferred alignment.
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- I want A2.



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Maribel Torres Organization: _____
(Optional) Address: _____ Phone: (559) 661-3771
City/State/Zip: Madera CA 93637 Email: torresmaribel@yahoo.com

- I support the A2 alignment through the City of Madera.
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- A2 brings the future through Madera and will have a positive impact in our landscape.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Carmen Castiella Organization: Labor
(Optional)
Address: 1304 Carney ave. Phone: 559-661-3788
City/State/Zip: Madera Ca. Email: _____

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Alejandro Zamora Organization: _____
(Optional)
Address: 351 S. C Street Phone: _____
City/State/Zip: Madera Ca. 93638 Email: alejandrozamora@gmail.com

- I support the A2 alignment through the City of Madera.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Fred Vasquez Organization: _____
(Optional) Address: _____ Phone: (559) 871-6488
City/State/Zip: Madera CA 93638 Email: _____

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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High-Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: KATRINA MONTERO Organization: _____
(Optional) Address: _____ Phone: (559) 232-3593
City/State/Zip: MADERA CA 93638 Email: _____

- I support the A2 alignment through the City of Madera.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD

Name: Orlanda Tafolla

(Optional)
Address:

City/State/Zip: Madera/CA/93638

Organization:

Phone: (559) 474-5314

Email: orandatafolla@gmail.com

- I support the A2 alignment through the City of Madera.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Madera to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Jose A. Rincón

(Optional)
Address:

City/State/Zip: 93637


Organization: Student

Phone: (559) 675-3353

Email: none

- I support the A2 alignment through the City of Madera.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Ramandeep Kaur Organization: Student
(Optional)
Address: _____ Phone: _____
City/State/Zip: _____ Email: johy-101@yahoo.com

- I support the A2 alignment through the City of Madera.
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 CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Javier Diaz Organization: STUDENT SCCC
(Optional)
Address: 2032 PINE TREE LN. Phone: (559) 270-6011
City/State/Zip: MADERA CA. Email: JIAZ-DIAZ@YAHOO.COM
93637 YAHOO.COM

- I support the A2 alignment through the City of Madera.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Rafael Cervantes Organization: _____
(Optional)
Address: 613 Merlot Ave Phone: (559) 571-9542
City/State/Zip: Madera, CA 93637 Email: Cerv90@yahoo.com

- I support the A2 alignment through the City of Madera.
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- A2 protects our farm land.
- A2 brings the future through Madera and will have a positive impact in our landscape.
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CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY


COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

Name: Alexandra Tank Organization: Student
(Optional)
Address: 2101 Pajaro W. Phone: 385-0901
City/State/Zip: 93037 Email: tkvav-2008@yahoo.com

- I support the A2 alignment through the City of Madera.
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Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011) - Continued

COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternatives Analysis Public Meeting

 CALIFORNIA HIGH-SPEED RAIL AUTHORITY

Name: PATRICIA PALOMERAS Organization: _____
(Optional) Address: _____ Phone: 674-1615
City/State/Zip: MADERA CA 93637 Email: palomeras-p-ol@hotmail.com

- I support the A2 alignment through the City of Madera.
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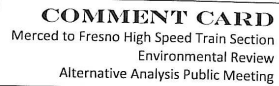
Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email	General Viewpoint
California Resident	Vanessa	Rodriguez			Madera	CA		93636	necarro08@hotmail.com	In Support of A2
California Resident	Lindor	Grant			Madera	CA		93637 (559) 363-3442		In Support of A2
California Resident	Baudela	Sanchez		20873 Ave 15	Madera	CA		93637	clow_hearts_j@yahoo.com	In Support of A2
California Resident	Katherine	Garcia		818 Terrace Place Apt	Madera	CA		93637 (559) 706-2247	katherinegarcia@gmail.com	In Support of A2
California Resident	Shawn	Nelder	Student		Madera	CA		93638 (408) 638-0585	nelder.shawn@yahoo.com	In Support of A2
California Resident	Lizeth	Lomeli		19802 8231	Madera	CA		93638 (559) 874-4888		In Support of A2
California Resident	Mariano	Guillermo			Madera	CA		93637 (559) 675-8895	nanotich_69@hotmail.com	In Support of A2
California Resident	Roberto	Salazar			Madera	CA		93637 (559) 481-0329	robertsal2@yahoo.com	In Support of A2
California Resident	Fabia	Ighal			Madera	CA		93637 (559) 664-9481	sonhijabig@yahoo.com	In Support of A2
California Resident	Gerardo	Lopez		1307 Carney Ave	Madera	CA		93638 (559) 232-0590		In Support of A2
California Resident	Laura	Perez		625 S. Bay St.	Kerman	CA		93638 (559) 842-5183	perez2008@yahoo.com	In Support of A2
California Resident	Jose	Gonzalez	Student SCCCD		Madera	CA		93638 (559) 474-0598	joguel2@yahoo.com	In Support of A2
California Resident	Gloria	Jauregui		410 South G St.	Madera	CA		93637	jauregui gloria@gmail.com	In Support of A2
California Resident	Boris	Rudolf			Madera	CA		93638 (559) 485-3600	royalov_14_07@yahoo.com	In Support of A2
California Resident	Stephen	Musulas	Student	247 Mainberry Drive	Madera	CA		93637 (559) 706-3605		In Support of A2
California Resident	Arjay	Plano		27295 Sunset Rd	Madera	CA		93637 (559) 210-1163	ti_plano@yahoo.com	In Support of A2
California Resident	Lupe	Virtueta		1106 Collingwood St	Madera	CA		93638		In Support of A2
California Resident	Enrique	Perez		4317 Rd 02	Madera	CA		93637 (559) 575-7948		In Support of A2
California Resident	Brian	Salas		1281 E Pagan Ave	Madera	CA		93637 (559) 232-4588		In Support of A2
California Resident	Maria A	Salazar		705 4th St Apt 101	Madera	CA		93637 (559) 481-0329	maria_otp@yahoo.com	In Support of A2
California Resident	Dwale	Amey			Madera	CA		(559) 363-5000		In Support of A2
California Resident	Abraham	Garcia	Student		Madera	CA		93637 (559) 363-1704	abrahamgarcia096@gmail.com	In Support of A2
California Resident	Ricardo	Reyes	Student SCCCD	6259 Road 28 1/2	Madera	CA		93638 (559) 481-0490	reyes.ricardo3@gmail.com	In Support of A2
California Resident	Jacquelyn	Fairchild		2429 Sunset Road	Madera	CA		93637 (559) 676-6483	jacquelynfairchild@live.com	In Support of A2
California Resident	Brizaida	Lopez	Student SCCCD	495 Central Ave	Madera	CA		93637 (559) 305-2114	briz_lopez@yahoo.com	In Support of A2
California Resident	Eder	Torresblanca	Student	431 Siman	Madera	CA		(559) 674-2114		In Support of A2
California Resident	Sarah	Moreno		78 Wallace	Madera	CA		(559) 674-3605	sarahmoreno5@aol.com	In Support of A2
California Resident	Emanuel	Reyes	Student SCCCD	80 Los Cerritos Way	Madera	CA		93638 (559) 675-5912	emanuelreyes@yahoo.com	In Support of A2
California Resident	Hollie	Brown			Sonoma	CA		93637 (559) 841-2600	trishhol@sonoma.edu	In Support of A2
California Resident	Leona	Mendoza	Student SCCCD		Madera	CA		(559) 232-5183	leona_mendoza1@hotmail.com	In Support of A2
California Resident	Gurwinder	Kaur	Student		Madera	CA		93638 (559) 661-3798	gurwinder@southern.edu	In Support of A2
California Resident	Maribel	Valenzuela		1304 Carney Ave	Madera	CA		93638 (559) 661-3798		In Support of A2
California Resident	Diana	Suarez	Student	709 Sonoma St	Madera	CA		93638 (559) 479-0772	diana.suarez@yahoo.com	In Support of A2
California Resident	Edgar	Munoz	Student	15110 Ave. 8	Madera	CA		93637 (559) 975-8074	edgar_joaquin2@yahoo.com	In Support of A2
California Resident	Jose M.	Salas	Student SCCCD	1184 Mainland	Madera	CA		93637 (559) 481-2712	epa217@yahoo.com	In Support of A2
California Resident	Maria	Martinez		7401 1st St	Madera	CA		93637 (559) 674-4946		In Support of A2
California Resident	Idaeger	Mora		28195 Ave. 13 1/2	Madera	CA		93638 (559) 363-2009		In Support of A2
California Resident	Kevin	Carricho			Madera	CA		93638	vcapera@yahoo.com	In Support of A2
California Resident	Eduardo K	Mendez	Student SCCCD		Madera	CA		93638 (559) 664-2207	sest-ed1@gmail.com	In Support of A2
California Resident	Maribel	Torres			Madera	CA		93637 (559) 661-3771	torresmaribel24@yahoo.com	In Support of A2
California Resident	Carmen	Calzadilla	Labor	1304 Carney Ave.	Madera	CA		(559) 661-3798		In Support of A2
California Resident	Alejandro	Zamora		351 S. C Street	Madera	CA		93638	alejandrozamora@gmail.com	In Support of A2
California Resident	Troy	Viquez			Madera	CA		93638 (559) 871-8888		In Support of A2
California Resident	Karina	Mendoza			Madera	CA		93638 (559) 232-5183		In Support of A2
California Resident	Orlando	Taglia			Madera	CA		93638 (559) 674-5116	orlandotaglia@gmail.com	In Support of A2
California Resident	Jose A.	Ramirez	Student		Madera	CA		93637 (559) 675-1013		In Support of A2
California Resident	Javier	Diaz	Student SCCCD	2032 Pepper Tree Lane	Madera	CA		93637 (559) 270-6011	jerry_1st@yahoo.com	In Support of A2
California Resident	Rafael	Corrales		613 Main Ave	Madera	CA		93637 (559) 571-0642	rafael_corrales@yahoo.com	In Support of A2
California Resident	Alejandra	Tovar	Student	1248 Georgia Ln Apt C	Madera	CA		93637 (559) 175-0801	taovar_2008@yahoo.com	In Support of A2
California Resident	Patricia	Cacamas			Madera	CA		93637 (559) 674-1615	palomeras_p_ol@hotmail.com	In Support of A2

Response to Submission 984 (Madera Friends of HSR Form Letter, Type 3, Madera Friends of HSR, October 13, 2011)

984-1

See MF-Response-GENERAL-10.

Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011)



Name: Carlos Ruiz Organization: _____
Address: 285 Madera Ave Phone: (559) 673-7619
Madera CA 93638 Email: _____

987-1

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

The A2 Alignment along the UPRR through the City of Madera protects our most precious resource, our farm land. Madera's *Vision 2025* plan prioritizes the preservation of our Ag land and the necessity to eliminate blight through new development. The A2 will help eliminate blight through the greater Madera area and improve the landscape of our downtown. The A2 Alignment goes along way in helping us achieve the goals of Madera's *Vision 2025* plan.

Finally, the A2 Alignment gives us the best chance of landing the Heavy Maintenance Facility in our community. We need jobs! With unemployment hovering between 18 and 22%, the HMF will bring thousands of good paying, permanent jobs. Is there another project that would provide the much needed economic boost that our community and our leaders have been clamoring for?

As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: J.C. Smith Organization: _____
Address: 301 HILTON Phone: (559) 669-1238
Madera CA 93637 Email: Jmas170@gmail.com

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Luzia Maziel Organization: _____
Address: 15831 Ophir dr. Phone: 661-7951
Madera CA 93637 Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Sandeep Kaur Organization: _____
Address: 2500 River View Phone: 559-29-8440
Madera CA 93637 Email: _____

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: H. A. Aoki Organization: _____
Address: 7242 Rd 27 Phone: (559) 664-6601
Madera CA 93657 Email: _____

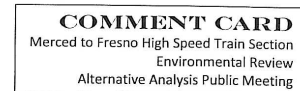
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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Lucy Salas Organization: _____
Address: 1108 Garfield ave Phone: 559-664-2204
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Ramon Moras Organization: _____
Address: 337 Knox Ave Phone: 673-1375
Madera CA 93638 Email: RMor59@yahoo.com

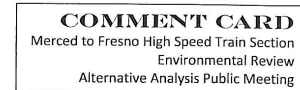
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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Helen Meeks Organization: _____
Address: 1012 West St Phone: 673-5588
Madera CA 93637 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Juan Reyes Organization: _____
Address: 312 S. Gst. Phone: 664-0648
Madera CA 93637 Email: _____

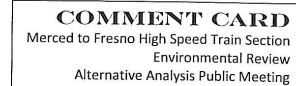
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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Mark Vail Organization: _____
Address: _____ Phone: 559-479-8358
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: David Gimble Organization: _____
Address: 204 Autom rd. Phone: 674 5826
Madera CA _____ Email: _____

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Name: Henry Ivaly Organization: _____
Address: 15882 Rd 29 1/2 Phone: 664-1601
Madera CA 93636 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Keneth Roberts Organization: _____
Address: 3619 Penway Phone: 661-1801
Madera CA 93638 Email: _____

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Name: Aida Lopez Organization: _____
Address: 15644 Mark rd Phone: 645-1302
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Maura Reyes Organization: _____
Address: 807 Clinton ave. Phone: 559-449-8548
Madera CA _____ Email: _____

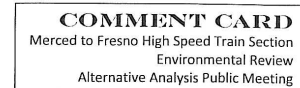
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Name: Anthony Stares Organization: _____
Address: 2825 Greenwood dr Phone: 559-917-0651
Madera CA 93637 Email: bike-pro-100@yahoo.com

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Paul Taylor Organization: Goosed Defender
Address: 26409 Old Mill Dr. Phone: 559-706-4777
Madera CA 93638 Email: _____

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Name: Dnkar Singh Organization: _____
Address: 1805 E Cleveland Av Phone: 662-1542
Madera CA 93632 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Evon Smith Organization: _____
Address: 1525 Apt 7 E Cleveland Phone: 661-9135
Madera CA 93638 Email: _____

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Name: Flavio Ramos Organization: _____
Address: 2236 Tozer Phone: 624-2290
Madera CA _____ Email: Flavormos@yahoo.com

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Janell Whisen Organization: _____
Address: 1020 Austin Phone: 664-7975
Madera CA 93637 Email: _____

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Name: John Nells Organization: _____
Address: 1009 Riverside Dr. Phone: 661-4812
Madera CA 93637 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Chris Patton Organization: _____
Address: 30625 James Ave Phone: 664-8126
Madera CA 93637 Email: _____

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Name: Rita Daza Organization: _____
Address: 928 W Tulare Phone: 664-3118
Madera CA 93637 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Maria Barajas Organization: _____
Address: 1024 Daulton Ave Phone: 664 8055
Madera CA 93638 Email: _____

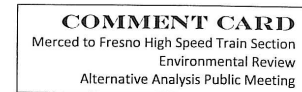
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Name: Carlos Castillo Organization: _____
Address: 1912 Monroe Ave Phone: 408 1243
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Lupe Avila Organization: _____
Address: 224 N 5th Phone: 664-0563
Madera CA 93638 Email: _____

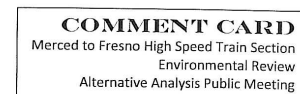
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Name: ELSA LOPEZ Organization: _____
Address: 27784 Ave 9 Phone: 675-1369
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Laura Campa Organization: _____
Address: 11345 Rd 24 1/2 Phone: 413-7215
Madera CA 93637 Email: _____

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Name: MARIA BATISTA Organization: _____
Address: 1523 SONORA Phone: 661-4251
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Astor Garcia Organization: _____
Address: 26297 Ellis St Phone: 673-5601
Madera CA 93637 Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Manolito Garcia Organization: _____
Address: 601 Sunrise Ave Phone: 662-427
Madera CA _____ Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Lidia Kavia Organization: _____
Address: 1613 5th D St Phone: (559) 664-0118
Madera CA 93637 Email: _____

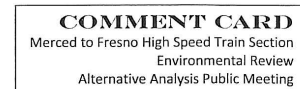
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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Alfonso Aldas Organization: _____
Address: 113 N. D Phone: 673-5082
Madera CA 93637 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Roberto Ortiz Organization: _____
Address: 337 Knox Ave Phone: 673-4728
Madera CA _____ Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Blanca Cortez Organization: _____
Address: 911 Austin Ave Phone: 675-8446
Madera CA 92678 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Abel Sierra Organization: _____
Address: 17656 Rd 20 Phone: 674 1083
Madera CA 93637 Email: AbelSierra@AOL.com

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The High Speed Rail offers a huge opportunity for our community. It will offer mass transit to and from our area that will inevitably stimulate economic growth. Located in the heart of California, our community is primed for new business and the economic diversification that High Speed Rail could stimulate. It is time that we get on board.

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Loya Fred Organization: _____
Address: 1426 E Yosemite Ave Phone: (549) 662-1877
Madera CA 93637 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Irma Frias Organization: _____
Address: 521 S. D St Phone: 675-3729
Madera CA 93638 Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Emily Reed Organization: _____
Address: 317 W. Cleveland Ave. Phone: 673-1947
Madera CA 93638 Email: Reedday@comcast.net

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Tiburcia Rios Organization: _____
Address: 2672 Kimberly Dr Phone: 559-345-8844
Madera CA 93637 Email: Tiburciar@yahoo.com

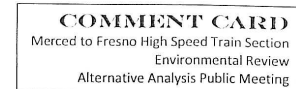
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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: LAVIDA NASH Organization: teacher
Address: 705 Pecan Phone: 559 675 4450
Madera CA _____ Email: teach+huttrick@hotmail.com

The A2 Alignment adjacent the UPRR is the best alternative for Madera.

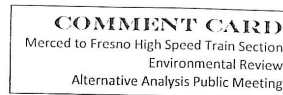
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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Stefanie Johnson Organization: Parent
Address: 201 El Dorado Dr Phone: 674-0158
Madera CA 93637 Email: [Signature]

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Name: Michael Johnson Organization: Parent
Address: 201 El Dorado Dr Phone: (559) 674-0158
Madera CA 93637 Email:

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Wito Ayala Organization: _____
Address: 17367 El Paso Rd Phone: 672-5180
Madera CA 93638 Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Richard Ayala Organization: _____
Address: 17367 El Paso Rd Phone: 672-5180
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Edenra Cruz Organization: _____
Address: 129 Wilson St. Phone: 559-661-1827
Madera CA 93638 Email: _____

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As a citizen of Madera, I support the A2 Alignment for my community and for High Speed Rail.



Name: Francisco Cruz Organization: _____
Address: 129 W. Wilson St. Phone: 559-661-1827
Madera CA 93638 Email: _____

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Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011) - Continued



Name: Ruth Montemayor Organization: _____
Address: 2008 Maricopa Dr Phone: 559 _____
Madera CA 93737 Email: _____

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Response to Submission 987 (Madera Friends of HSR Form Letter, Type 2, part 1 of 7, Madera Friends of HSR, October 13, 2011)

987-1

See MF-Response-GENERAL-10.

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011)



Name: Shahzady Farooq Organization: N/A
Address: 1501 E Yosemite Phone: 559-673-7600
Madera CA 93638 Email: N/A



Name: M. SHAIKAT PERVEZ Organization: N/A
Address: 2537 BEECHWOOD WAY Phone: 559-664-2389
Madera CA 93637 Email: N/A

994-1

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

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A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Amparo Guiza Hernandez Organización: N/A
Domicilio: 16268 Rd 29 Telephone: (559) 479-3177
Madera CA 93636 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Santiago Bravo Organization: #1 Bravo Sanitation Service
Address: 16268 Rd 29 Phone: (559) 479-3177
Madera CA 93636 Email: N/A

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: ROSIE CONTRERAS Organization: _____
Address: 9758 GOLDEN STATE BLVD Phone: (559) 675-1937
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Martin L. Fernandez Organization: N/A
Address: 129 N. Granada Drive Phone: (559) 662-1421
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: ELVA GODINEZ Organización: Lucero's Beauty Salon
Domicilio: 88152 Cedar Ln Telephone: (559) 675-8526
Madera CA 93638 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Francisco Fernandez Organization: N/A
Address: 129 N. Granada Drive Phone: (559) 718-7960
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Rogelio Fernandez Organization: N/A
Address: 1654 Jefferson Ave Phone: (650) 938-3699
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: MARIA A. FERNANDEZ Organization: N/A
Address: 1654 Jefferson Ave Phone: (650) 754-3879
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Carlos Zaragoza Organization: N/A
Address: 201 N. Granada Drive Phone: (559) 674-0320
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Dorothy Zaragoza Organization: N/A
Address: 201 N. Granada Drive Phone: (559) 674-0320
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Juan Recendis Organización: N/A
Domicilio: 1432 Barcelona Way Telefono: (559) 662-5500
Madera CA 93638 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Evadalupe Guiza Mendez Organization: N/A
Address: 16268 Rd 29 Phone: 559-517-4094
Madera CA 93636 Email: N/A

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Jessica Brown Organization: N/A
Address: 16268 Rd 29 Phone: (559) 363-3844
Madera CA 93636 Email: N/A

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Nombre: Lidia Madrigal Organización: N/A
Domicilio: 17518 W. Brook Drive Telephone: (559) 675-3534
Madera CA 93638 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.

A2 es la alineación de CHSRA preferido.

A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.

A2 protege nuestras tierras de cultivación.

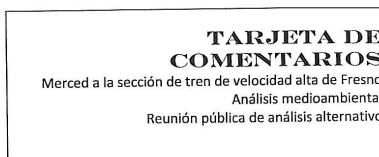
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.

A2 mejorará el paisaje de la ciudad de Madera.

A2 eliminará aflicción.

Quiero A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Brenda Lopez Organización: _____
Domicilio: 1302 DeHavilla Ave. Telefono: 559-4747251
Madera CA _____ Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Nombre: Jose Mendrigal Organización: N/A
Domicilio: 17518 W. Brook Drive Telefono: (559) 675-3534
Madera CA 93638 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Jury Telegin Organización: N/A
Domicilio: 16456 Rd 28 Telephone: (503) 877-0216
Madera CA 93638 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Nombre: Melissa Sanyoza Organización: N/A
Domicilio: 201 N. Granada Drive Telephone: (559) 674-0320
Madera CA 93637 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Erik Saragoza Organización: N/A
Domicilio: 281 P. Guadalupe Ave Telefono: (551) 674-0320
Madera CA 93637 Email: N/A

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Luz Maria Pessendis Organization: _____
Address: 1472 Beridona Way Phone: (551) 718-4693
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Luis David Fernandez Organization: N/A
Address: 129 N. Grand Blvd Phone: (415) 350-1505
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: NADEEM AHMAD Organization: N/A
Address: 475 ARTHUR ST Phone: 673-1900
Madera CA 93637 Email: N/A

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

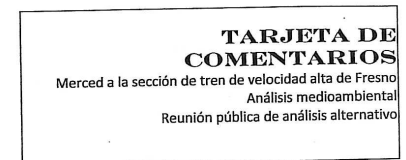
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Amanda Sanchez Organización: [redacted]
Domicilio: 124 Carmen Ave Telephone: 601-4182
Madera CA 93638 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

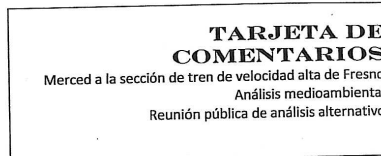


X Nombre: Rosa Maceda Organización: _____
X Domicilio: 1803 Goosecross Dr Telephone: (559) 661 4119
Madera CA 93637 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

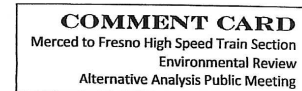
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Lucia Carter Organización: _____
Domicilio: 1203 Carmen Ave Telephone: 232-9396
Madera CA 93638 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Tanya Rico Organization: _____
Address: 901 Kyns Ave Phone: 871-3435
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Uribe Garcia Organization: _____
Address: 24714 Brook Ave. Phone: 706-5614
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

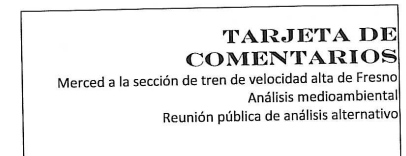
A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Nombre: Alfonso Garcia Organización: _____
Domicilio: 1800 Wesmit Ave. Telephone: 661-8709
Madera CA 93638 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.

A2 es la alineación de CHSRA preferido.

A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.

A2 protege nuestras tierras de cultivación.

A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.

A2 mejorará el paisaje de la ciudad de Madera.

A2 eliminará aflicción.

Quiero A2

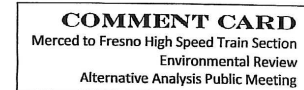
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Marcela Goria Organización: _____
Domicilio: 18816 Midland Way Telephone: _____
Madera CA 93638 Email: _____

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

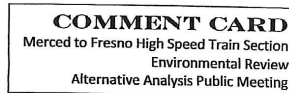


Name: Jesús García Organization: No
Address: 1216 Owrnis St Phone: 232-3608
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Gilberto Magdalen Organization: _____
Address: 1225 Owens st Phone: _____
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Francisco Garcia Organization: _____
Address: 24819 Gardenia dr. Phone: _____
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Maria Organization: N/A
Address: 121 N. Granada Drive Phone: N/A
Madera CA 93637 Email: N/A

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Jose Organization: N/A
Address: 121 N. Granada Drive Phone: N/A
Madera CA 93637 Email: N/A

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Dymette Martinez, fernandes Organization: Self
Address: 516 Autumn Pl Phone: _____
Madera CA 936037 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Sou MOUR Organization: _____
Address: 6325 N. SHARON Phone: 281-764-1
Madera CA FRESNO Email: ~~Summour2@yahoo.com~~
Summour2@yahoo.com

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

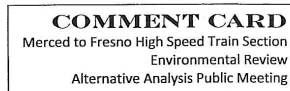
A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Alba Gutierrez Organization: _____
Address: 45 EAST LOOP Phone: (559) 474-2850
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

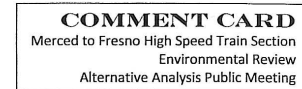
A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Connie Zarulita Organization: Medical Assistant
Address: 475 E. Almond Ave Phone: (559) 673-1111
Madera CA 93637 Email: cocckilo@yahoo.com

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

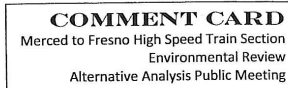
A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

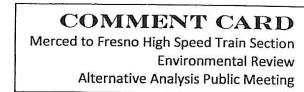
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Nash Palacios Organization: _____
Address: 18845 Smithwood Dr Phone: 675-8471
Madera CA _____ Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Patricia Galvan Organization: Medic Assistant
Address: 20606 Rd 30th Phone: (559) 395-6113
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Nate Salazar Organization: _____
Address: 24813 Fresno Way Phone: 916 4539
Madera CA _____ Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF
which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a
positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

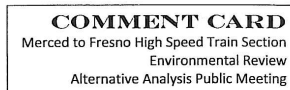


Name: OMAR AWAN Organization: _____
Address: 17203 Rd 700 Phone: _____
Madera CA 93636 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF
which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a
positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

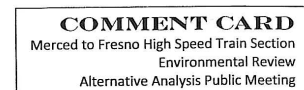
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Nicole Salazar Organization: _____
Address: 1420 Riverview Phone: 414-2486
Madera CA _____ Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Cathy Foronda Salazar Organization: CUSA
Address: 451 E Almond Ave Ste 101 Phone: 661-8901
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: David Salazar Organization: _____
Address: 26813 Frisco Wy Phone: 7060485
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Michael Ager Organization: Madera Friends of HSR
Address: 451 E. Almond Ave Phone: 661-8901
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Rocio Mendez Organization: Madera Friends of HSR
Address: 1183 Monterey Phone: 475-1930
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Kamwal J Singh Organization: K-J-Singh M.D. FACS
Address: 1290 E Almond Ave Phone: 661-6212
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Branda Alvarez Organization: Madera Friends of High Speed
Address: 1247 W Cortland Phone: 475-2001
Madera CA Fresno CA Email: brandaruben43@gmail.com

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF
which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a
positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: SARAH RODRIGUEZ Organization: Yarmeen Khalid M.D.
Address: 1260 E Almonds Ave Phone: 675-5206
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF
which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a
positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Yasmeen Khalid Organization: M.D.
Address: 359-675-5006 Phone: 559-675-5006
Madera CA _____ Email: ykmd@sbcglobal.net

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: DELLA MARTINEZ Organization: Madera Friends of HighSpeed
Address: 300 MYER DRIVE #28 Phone: 559-5006
CHUCHILLA Email: _____
Madera CA 93619

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Becky Ruiz Organization: _____
Address: 1007 Mimi Lake Dr Phone: 559 675 5006
Madera CA 95340 Email: bruiz513@yahoo.com

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

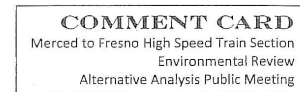
A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Margie Eva Boyer Organization: Madera Friends of HSR
Address: 817 E. 6th St. #H Phone: 675-5006
Madera CA 93634 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

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A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Salvador Sanchez Organization: Madera Friends of HSR
Address: 19824 Avenue 22 1/2 Phone: 559-665-3652
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Ramon Hernandez Jr Organization: Madera Friends of HSR
Address: 405 Autumn Rd Phone: 675-5006
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Delina Low Organization: Madera Friends of High Speed
Address: 405 Autumn Rd Phone: _____
Madera CA 93637 Email: delfyskitchen@msn.com

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2



Name: Blaine Low Organization: Madera Friends of High Speed
Address: 405 Autumn Rd Phone: _____
Madera CA 93637 Email: blaine-low@msn.com

I support the A2 alignment through the City of Madera.

A2 is the CHSRA preferred alignment.

A2 provides us with the best opportunity for the HMF which would bring jobs.

A2 protects our farm land.

A2 brings the future through Madera and will have a positive impact in our landscape.

A2 will improve the landscape of downtown Madera.

A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



COMMENT CARD
Merced to Fresno High Speed Train Section
Environmental Review
Alternative Analysis Public Meeting

Name: M. JAVAD Organization: MRFSD
Address: 1280-F Almond Phone: 559-673-7021
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



**TARJETA DE
COMENTARIOS**
Merced a la sección de tren de velocidad alta de Fresno
Análisis medioambiental
Reunión pública de análisis alternativo

Nombre: Jorge Gutierrez Organización: _____
Domicilio: 1318 Carmen Ave. Telephone: 559-474-5215
Madera CA 93638 Email: ~~WAFR@~~
guero559@hotmail.com

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Jdalia Herresa Organization: N/A
Address: 26667 Merrill Ave. Phone: 674-2910
Madera CA 93638 Email: yali677@live.com

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

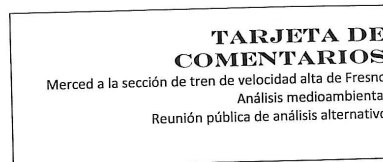


Name: Blanca Resendes Organization: _____
Address: 1774 Truman drive Phone: 551-416-1476
Madera CA 93638 Email: cornez-blanca@sbccglobal.net

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Nombre: Chen Morales Organización: N/A.
Domicilio: 1105 Cross St Apt 101 Telephone: 559 217 9592
Madera CA 93638 Email: Chen-Morales@icloud.com

Apoyo la alineación de A2 a través de la ciudad de Madera.
A2 es la alineación de CHSRA preferido.
A2 nos ofrece la mejor oportunidad para el HMF que traería puestos de trabajo.
A2 protege nuestras tierras de cultivación.
A2 trae el futuro a través de Madera y tendrá un impacto positivo en nuestro paisaje.
A2 mejorará el paisaje de la ciudad de Madera.
A2 eliminará aflicción.

Quiero A2



Name: Thomas Mester Organization: _____
Address: 12660 Road 25 Phone: 645-1716
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: JERRY BOWES Organization: _____
Address: 420 CLINTON Phone: 2708429
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: SABRINA MALIN Organization: _____
Address: 1755 LANE DR. Phone: 661 0711
Madera CA 93637 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

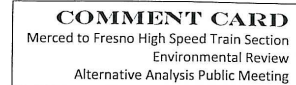
Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Laura Benito Organization: _____
Address: 222 S 1st Phone: 673-5304
Madera CA 93368 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Dwayne Howell Organization: _____
Address: 373 Madera Phone: 645-4550
Madera CA 93627 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
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A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: Carl Franklin Organization: _____
Address: 17447 Rodas Dr. Phone: 673-3913
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: Edgar Galicia Organization: _____
Address: 1100 Raymond Rd Phone: 662-2463
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued



Name: CARDYN WOODY Organization: _____
Address: 17382 Crescent Phone: 673-4511
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2



Name: ANTONIO LARIOS Organization: _____
Address: 198 KIPP ST. Phone: 674-0401
Madera CA 93638 Email: _____

I support the A2 alignment through the City of Madera.
A2 is the CHSRA preferred alignment.
A2 provides us with the best opportunity for the HMF which would bring jobs.
A2 protects our farm land.
A2 brings the future through Madera and will have a positive impact in our landscape.
A2 will improve the landscape of downtown Madera.
A2 will eliminate blight.

I want A2

CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS MERCED TO FRESNO SECTION

Response to Comments from Businesses and Organizations

Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera Friends of HSR, October 13, 2011) - Continued

Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email	General Viewpoint
Part 1										
California Resident	Shahada	Feroze		1201 E. Yosemite	Madera	CA	93638	(559) 675-7600		In Support of A2
California Resident	Shahad	Feroze		2137 Beachwood Way	Madera	CA	93637	(559) 684-2489		In Support of A2
California Resident	Ampango Quiroz	Mendoza		16208 Rd. 29	Madera	CA	93636	(408) 242-3271		In Support of A2
Business	Santiago	Bravo	Bravo Janitorial Service	16208 Rd. 29	Madera	CA	93636	(559) 479-2177		In Support of A2
California Resident	Rosie	Correia		9708 Golden State Blvd	Madera	CA	93637	(559) 675-1517		In Support of A2
California Resident	Maria L.	Fernandez		129 N. Granada Drive	Madera	CA	93637	(559) 682-1421		In Support of A2
Business	Elvia	Guilford	Lucero's Beauty Salon	28152 Cedar Ln	Madera	CA	93638	(559) 675-9526		In Support of A2
California Resident	Fernando	Fernandez		129 N. Granada Drive	Madera	CA	93637	(559) 138-7680		In Support of A2
California Resident	Reggie	Fernandez		1054 Jefferson Ave	Madera	CA	93637	(559) 498-3634		In Support of A2
California Resident	Maria M.	Fernandez		1054 Jefferson Ave	Madera	CA	93637	(559) 478-8979		In Support of A2
California Resident	Carla	Zapata		201 N. Granada Drive	Madera	CA	93637	(559) 674-6230		In Support of A2
California Resident	Donnelly	Zapata		201 N. Granada Drive	Madera	CA	93637	(559) 674-6230		In Support of A2
California Resident	Isaac	Reynolds		1472 Barrollera Way	Madera	CA	93638	(559) 683-3600		In Support of A2
California Resident	Guadalupe Guiza	Mendoza		16208 Rd. 29	Madera	CA	93636	(559) 517-4894		In Support of A2
California Resident	Isaac	Reynolds		16208 Rd. 29	Madera	CA	93636	(559) 683-3600		In Support of A2
California Resident	Isela	Martinez		17018 W. Brook Drive	Madera	CA	93638	(559) 675-2534		In Support of A2
California Resident	Brenda	Lopez		16208 Rd. 29	Madera	CA	93636	(559) 478-7251		In Support of A2
California Resident	Jose	Martinez		17018 W. Brook Drive	Madera	CA	93638	(559) 675-2534		In Support of A2
California Resident	Tony	Talaga		16405 Rd. 29	Madera	CA	93636	(559) 675-2534		In Support of A2
California Resident	Melissa	Santiago		201 N. Granada Drive	Madera	CA	93637	(559) 674-6230		In Support of A2
California Resident	Ed	Santiago		201 N. Granada Drive	Madera	CA	93637	(559) 674-6230		In Support of A2
California Resident	Lucy Maria	Reynolds		1472 Barrollera Way	Madera	CA	93638	(559) 718-6893		In Support of A2
California Resident	Lucy David	Fernandez		129 N. Granada Drive	Madera	CA	93637	(559) 682-1421		In Support of A2
California Resident	Nadine	Almond		975 Arthur Ct	Madera	CA	93637	(559) 675-2500		In Support of A2
California Resident	Alexandra	Sanchez		1284 Carmen Ave.	Madera	CA	93638	(559) 681-4542		In Support of A2
California Resident	Theresa	Mendoza		1201 Commerce Dr.	Madera	CA	93637	(559) 681-4139		In Support of A2
California Resident	Lucia	Carillo		1201 Carmen Ave.	Madera	CA	93638	(559) 232-8996		In Support of A2
California Resident	Tanya	Rico		901 Snow Ave.	Madera	CA	93638	(559) 675-3435		In Support of A2
California Resident	Uribe	Garcia		24714 Brook Ave.	Madera	CA	93638	(559) 708-5814		In Support of A2
California Resident	Alfonso	Garcia		1680 Raymond Ave.	Madera	CA	93638	(559) 681-4709		In Support of A2
California Resident	Marcia	Garcia		18818 Midland Way	Madera	CA	93638			In Support of A2
California Resident	Jesus	Garca		1218 Owens St.	Madera	CA	93638	(559) 232-3668		In Support of A2
California Resident	Gilberto	Magallanes		1225 Owens St.	Madera	CA	93638			In Support of A2
California Resident	Francisco	Garca		24810 Barrollera Dr	Madera	CA	93638			In Support of A2
California Resident	Maria	Garca		121 N. Granada Drive	Madera	CA	93637			In Support of A2
California Resident	Jose	Garca		121 N. Granada Drive	Madera	CA	93637			In Support of A2
California Resident	Sylvia Montano	Fernandez		516 Autumn Pl.	Madera	CA	93637		sternsaw2@yahoo.com	In Support of A2
California Resident	Diego	Molina		6325 S. Stanton	Fresno	CA	93726	(559) 282-7644		In Support of A2
California Resident	Adelia	Guilford		45 East Long	Madera	CA	93637	(559) 478-2850		In Support of A2
California Resident	Corinne	Zavala	Medical Assistant	475 E. Almond Ave.	Madera	CA	93637	(559) 675-1211	cocobee@yahoo.com	In Support of A2
California Resident	Paula	Palencia		13845 Southwood Dr.	Madera	CA	(559) 675-5471			In Support of A2
California Resident	Patricia	Galvan	Medical Assistant	20800 Rd 30 1/2	Madera	CA	93637	(559) 445-6513		In Support of A2
California Resident	Stacy	Salazar		21611 Prince Valley	Madera	CA	(559) 715-4539			In Support of A2
California Resident	Ornel	Allen		17203 Rd. 482	Madera	CA	93636			In Support of A2
California Resident	Nicole	Salazar		14420 Riverway	Madera	CA	(559) 474-2486			In Support of A2
California Resident	Cathy Formada	Stanton	CUSA	401 E. Almond Ave. Ste 201	Madera	CA	93637	(559) 681-8901		In Support of A2
California Resident	David	Salazar		26813 Prince Valley	Madera	CA	93637	(559) 708-0485		In Support of A2
California Resident	Mikhal	Alper		401 E. Almond Ave	Madera	CA	93637	(559) 681-8901		In Support of A2
California Resident	Rocio	Mendoza		1383 Monterey	Madera	CA	93637	(559) 675-1390		In Support of A2
California Resident	Samuel J.	Smith	K.J. Singh M.D. FACS	1230 E. Almond Ave.	Madera	CA	93637	(559) 681-6212		In Support of A2
California Resident	Brenda	Alfonso		1247 W. Carlsbad	Fresno	CA	(559) 675-2851		brendaberk1@gmail.co	In Support of A2
California Resident	Sarah	Rodriguez	Yasmeen Khalid M.D.	1247 W. Carlsbad	Fresno	CA	93637	(559) 675-5006		In Support of A2
California Resident	Yasmeen	Khalid	M.D.	1247 W. Carlsbad	Fresno	CA	(559) 675-5006		ymk@bigglobal.net	In Support of A2
California Resident	Delia	Martinez	Madera Friends of High	300 Myer Drive # 26	Chicoille	CA	93610	(559) 675-5006		In Support of A2
California Resident	Recky	Rico		1687 Motor Lake Dr	Merced	CA	95340	(559) 675-5006		In Support of A2
California Resident	Margarita Eve	Boysinger		817 E. 6th St. apt	Madera	CA	93637	(559) 675-5006		In Support of A2
California Resident	Salvador	Sanchez		13824 Avenue 22 1/2	Madera	CA	93637	(559) 685-3052		In Support of A2
California Resident	Ramon	Hernandez		625 Autumn Rd.	Madera	CA	93637	(559) 675-5006		In Support of A2
California Resident	Deffina	Low		625 Autumn Rd.	Madera	CA	93637		deffykitchen@msn.com	In Support of A2
California Resident	Stacy	Low		625 Autumn Rd.	Madera	CA	93637		stacy_low@msn.com	In Support of A2
California Resident	Reo	Janud		1280 E. Almond	Madera	CA	93637	(559) 675-9021		In Support of A2
California Resident	Jorge	Guilford		1218 Carmen Ave.	Madera	CA	93638	(559) 674-2515	guero59@hotmail.com	In Support of A2
California Resident	Salda	Fernandez		20167 Teller Ave.	Madera	CA	93638	(559) 674-2515	yan077@yahoo.com	In Support of A2
California Resident	Blanca	Reynolds		1774 Truman Drive	Madera	CA	93638	(559) 638-5476	corier_blanca@bigglobal.net	In Support of A2
California Resident	Ornel	Martinez		1105 Cross St. Apt 201	Madera	CA	93638	(559) 237-8982	cham_martinez@hotmail.co	In Support of A2
California Resident	Thomas	Molina		12800 Road 25	Madera	CA	93638	(559) 445-1716		In Support of A2
California Resident	Bryan	Reynolds		4207 Chiman	Madera	CA	93638	(559) 270-0929		In Support of A2
California Resident	Salvador	Molina		1705 Lane Dr.	Madera	CA	93637	(559) 681-4713		In Support of A2
California Resident	Laura	Reynolds		2212 S. N. St.	Madera	CA	93638	(559) 675-3654		In Support of A2
California Resident	Diego	Kinwell		373 Madril	Madera	CA	93637	(559) 645-4130		In Support of A2
California Resident	Carl	Franklin		17402 Madril Dr.	Madera	CA	93638	(559) 675-2513		In Support of A2
California Resident	Edgar	Galvan		1308 Raymond Rd.	Madera	CA	93638	(559) 682-0463		In Support of A2
California Resident	Merced	Galvan		17802 Crossroad	Madera	CA	93638	(559) 674-4511		In Support of A2
California Resident	Antonio	Larrea		108 Vinca Ct.	Madera	CA	93638	(559) 674-0601		In Support of A2

Response to Submission 994 (Madera Friends of HSR Form Letter, Type 1, part 1, Madera
Friends of HSR, October 13, 2011)

994-1

See MF-Response-GENERAL-10.

Submission 589 (Matt McGrath, Manning Properties, October 12, 2011)

Merced - Fresno - RECORD #589 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/12/2011
Submission Method : Project Email
First Name : Matt
Last Name : McGrath
Professional Title :
Business/Organization : Manning Properties
Address : P.O. Box 4113
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93744-4113
Telephone : 559.269.0885
Email : matt@manningproperties.net
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

I append below for the official record a copy of my comments submitted to the Mayor & members of the City Council of Fresno, California, in regards to the Draft EIR/EIS for High-Speed Rail.

Dear Madam Mayor and Members of the City Council,

I am a property owner at 1239 N. Delno, near the proposed High-Speed Rail corridor. I was notified by the High Speed Rail Authority (HSRA) that the Draft EIR/EIS was available to review. When I inspected the documents at the Fresno County Library, I had no idea what if any plans they had for my parcel. I had previously granted HSRA permission to survey the property and expected the possibility that their plan involved taking my property under eminent domain.

In looking over the documents, it is apparent the proposal is to build an overpass for Olive Avenue to travel over the tracks, and close off Delno and historic Golden State Boulevard. I realized immediately this would create an instant ghetto. This neighborhood struggles as it is with negative influences from the areas to the west: including Homelessness, drug use, graffiti and prostitution. When I consider the plan to close off access, and traffic being severely limited in the area, I cannot imagine the frustration the FPD would have in trying to patrol the neighborhood. In addition, I do not see access to Weber Avenue, to or from Olive, which is going to have a negative impact on merchants in the neighborhood.

The City has made severe urban planning mistakes in the past by needlessly closing streets. The Fresno Adult School is the best example, where a major access point to and from downtown was closed, significantly increasing the blight of south Blackstone Ave.

I have expressed these concerns to Scott Mozier and his response tells me that he understands what is being proposed and shares my concerns.

The City Council meeting last week confirmed my suspicion that few people understand what is in these documents.

I encourage you, as our representative, to send a strong message that we do not want HSR unless it is done in a way that complements our neighborhoods, not destroys them. The concept of putting the high-speed system in a trench would "kill two birds with one stone". Putting the existing Union Pacific tracks in that trench, too, would be a way to capitalize on this project as an opportunity to make our neighborhoods better and safer.

I voted for High Speed Rail because I believe in the concept. But I am stunned that in this economic climate the authority has spent huge sums of money to create these detailed documents showing huge overpasses all down the west side of Fresno without first consulting with the city staff. The Authority is quoted in the media stating that this is just part of the process, but I do not agree and now realize they have been given too much authority and a blank check. All the while, our main vehicular access to Fresno-Freeway 99—is ridiculously beyond its capacity, as many parts of it have not been upgraded since I moved here in 1972.

I know there is an overwhelming desire to create jobs for Fresno, but the cost of having jobs should not be a poorly planned project that will scar Fresno forever. We will lose more businesses and people if this happens.

Submission 589 (Matt McGrath, Manning Properties, October 12, 2011) - Continued

589-3

It is obvious that the timelines are too tight to assure a proper review for something so momentous. The review period needs to be extended. I fear that very few people understand what is being proposed, and this lack of understanding will result in poor public review. I would no longer continue to be a property owner in the area if the plan proceeds as drawn.

The plans in the Draft EIR are unacceptable. Please let your official response to the Authority reflect this.

Thanks,

Matt McGrath
Manning Properties
P.O. Box 4113
Fresno, CA 93744-4113
matt@manningproperties.net
559.269.0885
DRE #01128036

EIR/EIS Comment :

Yes

Response to Submission 589 (Matt McGrath, Manning Properties, October 12, 2011)

589-1

See MF-Response-Social-4, MF-Response-S&S-6, and MF-Response-TRAFFIC-2.

Golden State Boulevard would only be closed between Olive Avenue and Belmont Avenue. North of Olive Avenue the roadway would be narrowed. Refer to Volume III: Alignment Plans and Other Appendices, Section A to F, Drawing TZ135 for detailed information.

589-2

Through further engineering and discussions with Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide desired benefit to Fresno and while trenching both HST and UPRR would be possible, it would be even more costly and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal ARRA funding requirements. Through cooperative discussions, the Authority and Fresno reached agreement on an at-grade profile with some areas of the profile lowered where possible.

589-3

See MF-Response-GENERAL-18, MF-Response-GENERAL-7

Submission 640 (John and Milenda Meders, Meders Ranch/Carleton Properties, October 12, 2011)

RECEIVED

10-12-11A09:53 RCV0

Carleton Properties
P O Box 442
Chowchilla, CA 93610

Oct. 10, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814
Re: EIR/EIS Comments

We have farming and ranching properties in Madera County that are seriously impacted by Alternate A-1, the West Chowchilla Bypass option and the Ave. 24 alternate.

640-1 Our attempts to review the Draft EIR/EIS document have been extremely frustrating. By deferring many analyses and surveys, the report makes it impossible to fully analyze the impact of many of our concerns, some of which follow:

The draft EIR/EIS notes that the Hiway 152 option for the San Jose to Merced route will be reviewed in the San Jose to Merced Draft EIR. The Merced to Fresno, the San Jose to Merced routes and the "wyne" are all interdependent. How then can the California High Speed Rail Authority (CHSRA) make a decision for any of these potentials separately without compromising determination for the entire configuration?

640-2 It has been recently announced that a new alternative is to be added south of Fresno and that an additional comment period for that section will be opened in February. This begs the question for additional time for comment review generally. Why then does CHSRA flatly deny more time to review the Merced to Fresno Draft EIR? **We formally request additional time to review this EIR/EIS.**

640-3 Prop 1A mandated that the CHSRA follow major transportation corridors wherever possible. The A-4 alternate was removed from consideration because of concern for destructive impacts to adjacent agricultural acreage only to be replaced by the West Chowchilla Bypass option which is projected through productive farmland without even a pretense of a transportation corridor...not even a squirrel trail!

The Ave. 24 alternate continuing east bisects (often diagonally) prime ag land and newly established dairies. To the west its curvature destroys at least one ranch headquarters as well as fields of permanent plantings and annual crops.

640-4 Both east and west branches of the Ave. 24 Alternate not only affect the actual right of way but also impact farming practices such as irrigation, nutrient application, insect control, and pollination on adjacent acreages for at least a quarter mile distant. What specific mitigation does HSR provide, not only for the loss of ground, permanent plantings, and destruction of capital assets (buildings, wells,

Page 1 of 2

Carleton Properties – Page 2
October 10, 2011

640-4 pipelines, irrigation structures and water district canals) but also the jeopardizing of remaining assets including livestock from damage due to noise, vibration and stray electricity?

640-5 Has CHSRA considered the impact to dairies for acreage lost in their permitted farming systems, any changes of which will be subject to review and possible re-permitting by the Water and Air Boards.

640-6 Avenue 25 is a major artery to Chowchilla for citizens and businesses located west of town. Has CHSRA conducted a specific study for mitigation of severed routes used by emergency vehicles (ambulance, fire, police) as well as disrupted school bus routes? Has HSR coordinated with these local agencies to cooperate with their local plans?

640-7 Have mileage costs as well as those for labor and equipment wear been calculated for the additional miles of travel required to serve bisected field properties or those whose farm roads have been cut off? Has a study been done taking into account the additional air quality issues that will be generated by these additional vehicles? Are overpasses designed to accommodate over-wide farm implements? Has consideration been given to the hazards of visibility while crossing these tall structures with farm machinery, especially critical in our fog season?

640-8 The A-1 Alternative is particularly sensitive to environmental concerns. Has CHSRA done detailed analysis of native and endangered species habitat? It is alarming to see the ranking system in some of the tables rated the same for dry-land pasture as irrigated fields under cultivation. Varieties and numbers of species vary greatly in these very different habitats. Has CHSRA assessed the disruption of specific flyways for migratory birds? Has the Authority evaluated sensitive plant populations during their growing season?

640-9 Noise, dust and increased traffic are of particular concern for ranches, farms and conservation easements adjacent to the right of way. Has CHSRA fully evaluated the effects of the high speed rail project on species both native and domestic? Has CHSRA evaluated the destruction by train collision of migrating native and endangered species (birds, amphibians, mammals)?

640-10 Our home ranch is located adjacent to property designated as the Kojima Heavy Maintenance Facility. Aside from the obvious detractions of noise, dust, and increased traffic, we have great concern for the disruption of the Chowchilla Water District delivery system which is conveyed through Berenda Slough to the Eastman Reservoir which is a holding lake for their downstream distribution system. Has CHSRA coordinated with the Chowchilla Water District to mitigate the disruption of their system and local plan?

These are but some of the questions left unanswered in detail in the EIR/EIS. We appreciate this opportunity to bring them to your attention.

John Q. Meders,
Meders Ranch

Milenda G. Meders
Carleton Properties

Response to Submission 640 (John and Milenda Meders, Meders Ranch/Carleton Properties, October 12, 2011)

640-1

See MF-Response-GENERAL-16 and MF-Response-GENERAL-22.

640-2

See MF-Response-GENERAL-7.

640-3

See MF-Response-GENERAL-10 and MF-Response-GENERAL-2.

640-4

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-5, and MF-Response-AGRICULTURE-6. Mitigation measures for agricultural impacts can be found in Section 3.14 of the EIR/EIS.

640-5

See MF-Response-AGRICULTURE-6.

640-6

See MF-Response-S&S-1 and MF-Response-S&S-3.

640-7

See MF-Response-AGRICULTURE-2, MF-Response-AQ-4, MF-Response-S&S-2 and MF-Response-TRAFFIC-2. Where public grade separations are built, they will be sized based on anticipated traffic level of service. For example, a local road replacement would typically consist of two 12-foot wide travel lanes and two 4-foot wide paved shoulders. Existing roads would therefore be replaced with roads of equal or greater width.

640-8

See MF-Response-BIO-2 and MF-Response-BIO-4.

Sections 3.7.4.6 and 3.7.5.3 address migratory birds and flyways. Thirty-seven special-status bird species listed in Appendix 3.7-A, Attachment 2, have been identified as

640-8

having a moderate or higher potential to occur within the project vicinity. Migratory birds are also addressed in the Mitigation Measure Section 3.7.7, see Bio MM#5.

Special-status plants and wildlife are also addressed in Sections 3.7.3.3 and 3.7.5.3 of the Draft EIR/EIS.

640-9

See MF-Response-GENERAL-4 regarding impacts to agriculture. Effects on wildlife are discussed in Section 3.7, Biological Resources and Wetlands, and effects on farm animals, such as cattle and poultry, are discussed in Section 3.14, Agricultural Lands. See MF-Response-S&S-4 regarding potential for derailment or intrusion. Since the train would be designed to stay within the fenced area in the case of a derailment, there would be minimal potential for impact on biological resources.

640-10

See MF-Response-WATER-1. The Authority has met with many local agencies and interest groups over the past 4 years – see EIR/EIS Table 8-1 for a detailed list.

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011)

Merced - Fresno - RECORD #616 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/13/2011
Submission Method : Website
First Name : Jeff
Last Name : Marchini
Professional Title : President
Business/Organization : Merced County Farm Bureau
Address :
Apt./Suite No. :
City : Merced
State : CA
Zip Code : 95340
Telephone : (209) 723-3001
Email : acarvajal@mercedfarmbureau.org
Cell Phone :
Email Subscription : Merced - Fresno, San Jose - Merced
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

October 13, 2011

California High-Speed Rail Authority
 770 L. Street
 Suite 800
 Sacramento, CA 95817

RE: Merced to Fresno HST Environmental Review

To Whom It May Concern:

Merced County Farm Bureau (MCFB) is the leading agricultural organization representing over 1,500 farmers and ranchers in Merced County. We have been in existence since 1917 with the purpose of improving the ability of individuals engaged in production agriculture to utilize California's resources to produce food and fiber in the most profitable, efficient and responsible manner. Since 2009, MCFB has provided statements, hosted meeting and tours and spoke at Board Authority meetings and public hearings. MCFB has submitted several letters, which have been resubmitted for the official record and are attached. These letters include our support of Alternative 2 (A-2) and State Route 152. The letters also state MCFB's opposition to A-1, A-3, A-4, West Chowchilla Bypass, Avenue 21 and Avenue 24. Our support of both A-2 and SR 152 also follow the language Californians voted for in 2008 on Proposition 1A which stated that the High-Speed Rail (HSR) "shall follow existing transportation or utility corridors."

616-1

616-2

Our first major concern with the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) was the limited review period that was given for the Merced to Fresno segment. This was a substantial and highly technical document re-leased during a season when farmers and ranchers are often working 14 hour days, seven days a week. It was virtually impossible for someone dedicating their entire job to thoroughly review this document, let alone someone who works another job and is not accustomed to reviewing environmental documents. We request the review period be reopened to allow for further public input.

616-3

MCFB adamantly opposed the A-1/BNSF route which runs through highly productive ag land with numerous protected species that were studied in detail when the University of California Merced Campus was proposed. Many of these studies have not been included in this environmental report. Further, as expressed in the Draft EIR/EIS on pg. 2-20, route options A-3 and A-4 were pulled from consideration on the North/South alignment because there were "greater direct and indirect environmental impacts and the potential to cause undesirable growth patterns over those alternatives that closely follow existing transportation corridors." Since then the Authority has brought forth the West Chowchilla Bypass which further departs from existing transportation corridors. A-1 or the BNSF route also diverges from existing transportation corridor. Following the Authorities statements, MCFB believes both the West Chowchilla Bypass and A-1 should be eliminated and recirculation of the Draft EIR/EIS.

616-4

Similarly with the WYE 152 there seems to be some conflicting statements as to why the SR152 is not evaluated in this section. All other WYE routes (Ave. 21, Ave. 24 and West Chowchilla Bypass) are evaluated in this report, even though the summary explains that the WYEs will be fully studied during the San Jose to Merced segment Draft EIR/EIS. MCFB considers this piece-mealing as the WYE routes are

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-4	key design in our region and we believe the draft needs to be reevaluated for further studies to be in accordance with NEPA and CEQA.	616-9	counties and cities are reviewing their growth projections due to several lawsuits that have been won against local jurisdictions including MCFB vs. the City of Livingston. The report reviews population characteristics which seem to piecemeal together with different data resources to fulfill information required, but it paints an inaccurate picture. The report also reflects on numbers from the 2000 U.S. Census which has also been updated and should be reflected in the Draft EIR/EIS.
616-5	The No Project Alternative in the summary provides assumptions of growth and projected planning that are neither realistic nor accurate for Merced County. It assumes that without this state level project (HSR), no infill, higher density housing or smart growth can occur at the local level. Decisions for growth planning can only occur at the local level. In addition it fails to thoroughly address the high number of vacant housing Merced County has, not to mention the large number of shovel ready lots. For example the City of Merced has current infill capacity that will take up to 10 years to reach. MCFB believes the Draft EIR/EIS has grossly overstated the No Project Alternative option.	616-10	When describing the cultural populations along routes, they mention the large Asian population along the BNSF route. However, only in one case does it mention an interpreter being brought in to a meeting, never was any documents summarized and translated in Hmong or other related Asian languages which are popular in our impacted communities. How does the Authority expect to properly reach out to the diverse cultures that exist in our rural communities if they do not provide appropriate avenues for these communities to learn of these projects?
616-6	The document fails to mention that as California is the leading agriculture state, it provides a healthy, safe and reliable food source to citizens throughout the world. With the world population expected to dramatically expanding in the coming years, priority should be placed on sources of safe and reliable food. The San Joaquin Valley is one of six valued places in the world which have good water, a Mediterranean climate and rich soil to produce a large quantity of the world's food and nutrients. Agriculture is a precious resource and must be protected for the benefit the general population.	616-11	Section 3.12.4.3: As there are several rural school districts along the BNSF route, farmers and ranchers are continually concerned about the loss of revenue to their respective districts. Increased costs for longer bus routes and other cost to schools are also not properly evaluated. Ultimately due to the impacts of the HSR the burden will fall on these little communities who can barely handle the load they are forced with.
616-7	Socioeconomic Section 3.12.3: Economic Effects on Agriculture When defining "effects on agriculture" this section concludes property tax revenues to be the only form of revenues agriculture creates for the community. This could not be further from the truth. Farming and ranching employs upwards of 10 percent of the workforce, the variable of course being the time of the year. In 2010, agriculture was a \$2.7 billion industry and those funds did not go directly into the tax revenues, and instead those are infused into the community in various ways (transporting, processing, local businesses, etc.). This is a misleading title. This infusion of money into the local economy is academically researched and described as an economic multiplier. Experts in Merced County regularly use an economic multiplier of 3, which equates to an estimated \$8.1 billion in revenues in the county and surrounding region. Why is the HSR estimating the number of employees in specific businesses? The size of the building, the amount of employees per business should have been thoroughly evaluated by staff and consultants. Pg. 3.12-5: When reviewing the economic impacts to agriculture they forget to mention the jobs that will be lost, especially in agriculture and related industry. Not only seasonal, but year around. Our current unemployment rate in Merced County is 17 percent we need to be cognizant of every job lost in our county.	616-12	Pg. 3.12-19: While providing in-depth details about the UP/SR99 route option through Chowchilla, the section fails to evaluate the community setting of the West Chowchilla design option, other than stating that it bypasses Chowchilla and travels through agricultural land.
		616-13	Pg. 3.12.23: The report states there "are few residences and no community facilities or services in the study area outside the unincorporated community of Le Grand." When reviewing the report the authors fail to evaluate the long studied Planada wastewater treatment plant expansion plans. See Attachment. This is vital to small rural communities and must be addressed in the EIR/EIS. This statement by the authority is completely false.
		616-14	Section 3.12.4.5: MCFB knows for a fact that there are migrant farm worker houses that will either be destroyed and others that fall within the project footprint. We request further review at the local level.
		616-15	Section 3.12.5.1: The report assumes that the station will encourage redevelopment, revitalize downtown areas, and result in primarily beneficial social impacts, however it fails to address the jobs that will be lost in agriculture, public agencies, schools and such due to the impacts of the train.
		616-16	Pg. 3.12-31: Once this business plan is released a more thorough review of the proposed economic benefits of our region need to be addressed. For an accurate job creation projection, we believe jobs that should be counted are only sustainable jobs rather than those temporary jobs that will be eliminated once a project is complete. Another factor that needs to be included is those who lose their jobs in the rural communities (Planada, LeGrand, etc.) will have to commute to a new job, possibly elsewhere, or even relocate. What environmental impacts will those commuters create?
616-8	Section 3.12.3.4: The study area that was reviewed by aerial photography as well as the site visits occurred in November 2009 to April 2010. This does not reflect an accurate review of the population as the rural areas evaluated are heavily populated by migrant workers. The harvest season runs from mid-summer to late fall and is the time when population peaks in many of these rural areas. A proper evaluation of the study area has not occurred.	616-17	It is also assumed that infill development and redevelopment will result in higher densities and less agricultural land developed. However if you look at the long publicized report by the American Farmland Trust called, "Paving Paradise" (see attachment) the trend in the Central Valley is
616-9	Section 3.12.4.1: Population projections for Merced County should be reviewed to reflect the largely reduced growth in the county. All		

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-17 | ranchettes and other low density homes. Creating sprawl and dramatically impacting the breadbasket of the United States. There are no incentives for local jurisdictions to follow this code, nor does the HSR have authority to direct them in that matter. This report should reflect this, which will dramatically increase the overall impact to regional growth and ultimately productive ag land.

616-18 | Section 3.12.5.3: When evaluating construction impacts on the community, the report fails to discuss dust concerns, which will remain a major issue for farming along all routes. During the cyclical process of tree crops, dust can be a major hindrance as they are the cause for most dust mites, which have to be sprayed for, sometimes multiple times and can be a huge cost on the farmers operation, ultimately harming the next season's crop. No mention is made in the report nor are any studies provided.

Also needing to be considered is the impacts construction will have on the production of livestock, including dairy cows and chickens. There is a poultry facility located on Mariposa Way that is not referenced in the ag section.

616-19 | Pg. 3.12-36: The Draft EIR/EIS shows potential impacts for construction-related tax revenue impacts cannot be fully assessed because of many variables and gives it an unexplained moderate impact under NEPA. But they are able to assess the beneficial economic effects and show their speculative numbers. This is not clear and does not paint and accurate picture. Likewise with the employment growth, as Merced County learned during the housing boom, construction jobs are not sustainable. There is no guarantee that those employed will be local citizens, nor do we believe these are accurate numbers that can be reviewed. We request an extension and a re-evaluation once the new business plan is released in November 2011.

616-20 | Pg. 3.12-39: The report explicitly states that a new corridor is areas not adjacent to ex-isting railway corridors may result in additional areas where physical deterioration could occur and negatively affect property values. However when evaluating other rural/ag land in the report they fail to mention this key factor. Especially when evaluating the Hybrid option. On Pg. 3.12-42 the Hybrid the impact is considered negligible for the community character and cohesion which is similarly discussed on page 39. We believe this to be contradictory and needs to be rectified.

616-21 | Table 3.12-11: Under Visual and Aesthetics, landscaping will block sensitive visual environment, but it does not clarify those who have a clear view within the scenic corridor, defined by Merced County, who will completely lose that view due to a overpass or tracks. This also will be a major deterioration factor on the worth of the house/property.

616-22 | Table 3.12-13 & Pg. 3.12-58: This table does not clarify the types of homes that will be taken. There is currently a wide array of homes (sizes) in the rural regions of the county and we do not believe this is a thorough review that can legally be used by landowners. The subsequent review for displaced homeowners and businesses state there are a number of sufficient options for all the displaced occupants. However property with large acreage is very difficult to come by even in this economic climate. How do we get an accurate view of the types of displaced families and businesses so we can better gauge who will relocate where? Not to mention, relocating from Planada to Atwater is a farfetched idea as the cost of living is much higher in Atwater then it is in Planada. This is a significant impact and should be addressed and mitigated appropriately.

616-23 | Pg. 3.12-53: In the Impacts on Ag section the acquisitions of lands only reflects the right-of-way that will be taken by the Authority. Nor does it include the new buffers that will have to be put in place, any inevitable application of pesticides regulations that will be in place as well as additional easements and access ways and changes to the irrigation and canals. Not to mention it continues to compare our sections land loss projections to a statewide number to show the irrelevance of the land lost. However, the several remnant parcels that will be created on prime/highly productive land has not be quantified. Nor has the 30-40 year investment impact as permanent crops are a large producer in the county (Almonds -\$286 million; Apricots - \$2.2 million; Figs - \$1.6 million in 2010).

Also, it describes the environmental effects as negligible because only linear slivers of land located along the edges of farms would be impacted. This is an entire falsehood. Along the BNSF routes options along Mission Ave and Mariposa do not follow existing corridors at all. Instead they ride a ¼ mile north and south from their respective roads, detrimentally damaging growers along the way.

616-24 | Pg. 3.12-54: The loss of ag jobs from the train routes could be mitigated if the "agricul-ture production relocated elsewhere in the region." Agriculture does not have the op-portunity to relocate as easily as a rooftop or business does. Instead land with reliable water and irrigation; good soils; large parcels to make the investment viable as well as a willing and able farmer come few and far between.

The report also states that processing facilities could experience short-term multiplier effects, we believe this is a complete understatement. For example, Live Oak Farms, the tomato and bell pepper packing facility in Le Grand would not only experience short term losses, but it could possibly kill the entire business, which has been the lifeline to the community for generations. To relocate a facility like that in the current climate in California would be nearly impossible. Permitting from the county could take years, but they business would also have to work with USDA, California EPA, US EPA, California Air Resource Board, Central Valley Regional Water Quality Control Board, and possibly the Army Corp of Engineers as it is located near the flood zone. It would cost millions of dollars and draw the process out for years. The likelihood of a large, well established company like that surviving is still very unlikely.

616-25 | Also, the conclusion that farming operations will only experience negligible impacts under NEPA for all of the road closures, couldn't be further from the truth. We do not believe any road studies were completed to bring to light the amount of traffic that will be moved to those new thoroughfares and overpasses. Not to mention the strict regulations required by the ARB for yearly travel per Tier level of trucks. The report breaks down the roadways to a universal accessway every two miles, however if previously you had a ½ one way to travel, at least 6 times/day, 365 days per year your currently mileage would be 1,825. Now if you had to travel to that same spot with the accessway in place at 2 miles one way it would be 7,300 miles. That's a huge difference in gas/diesel bills for the farmer as well as more carbon emissions that need to be addressed in the air quality section. We completely disagree that these accessways should be considered a negligible impact. A more thorough review of this section is required.

616-26 | Pg. 3.12-63: Under NEPA the report says the impacts to agriculture are negligible be-cause the amount of farmland required for the project is not anticipated to result in ma-jor land losses. MCFB strongly refutes this claim because the report lacks a clear un-derstanding of daily agricultural operations and the cost these routes will incur on the many

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-26 | facets of the business. We believe a re-review and recirculation of this section, ag and several other sections need to be reviewed to fully ascertain the impacts to agri-culture, the leading economy in the county and in these impacted communities.

616-27 | Planning, Land Use and Development

Pg. 3.13-4: The report references the City of Merced Vision 2030 General Plan and it mentions those policies and goals that are beneficial to their project, but the Authority fails provide any incentive for cities to take smart planning a step further. We are asking the Authority to place more demand on impacted community's general planning. Currently the 2030 Vision in Merced only encourages smart planning it which has no bearing if the project will occur or not.

The Merced Vision also makes mention of protecting agriculture outside the City's SUDP/SOI, but in certain parts of the HSR Draft EIR/EIS implies that sprawl will occur where routes are selected. The HSR Authority has no direct control over local planning; however they have an ability to strongly emphasize the San Joaquin Blueprint and smart growth planning. This is currently lacking from the report.

616-28 | Pg. 3.13-16: The report evaluates the No Project Alternative for planning and assumes that current patterns of low density development (four to eight dwelling units per acre) will continue. However, the City of Merced is nearing the finalization of the Vision 2030 and the same push for infill development is in place. Again, amendments can easily be made, but there are no guarantees that infill development will occur when the HSR is built.

616-29 | Project Impacts states that the entire footprint of the three counties would be less than .05 percent of ag land. As we in agriculture have stated repeated, the impacts goes much further out and must be reevaluated. Land use patterns will be dramatically al-tered in contradiction to this report that lacks backup information. We are requesting all our prior and future comments on ag impacts be re-evaluated and the Draft EIR/EIS be re-circulated.

616-30 | Pg. 3.13-22: This is a point in the report where HSR expresses the positive benefits of more speculative residential growth in the Central Valley which we experienced in the early 2000. Merced County learned the hard way through the mortgage foreclosure cri-sis and plummeting land values, speculation did not benefit anyone in the region except outside developers. Currently the City of Merced has vacancy rates that can handle 10 years of infill. However this section boasts the one investment of construction jobs equating to \$53.9 billion for our route. The American Farmland Trust report referenced earlier, "Paving Paradise" shows the massive financial pitfalls for residential development and how it has long contributed to the financial downfall of our local governments.

616-31 | Pg. 3.13-24: We strongly disagree with the following statement: "Road closures and road overcrossings may inconvenience agricultural activities but are not expected to change the adjacent land uses." As the authors of this report do not understand the necessary aspects that contribute to a workable farming operation, there has not been a thorough evaluation completed. For example, road closures will dramatically increase costs for dairymen trying to move between properties, permitting with the water and air boards may have to be reviewed which can be costly and drawn-out, economically it can even destroy the business. Row and permanent crop farmers will NOT be able to farm next to the right-of-way because a buffer will have to be put

616-31 | in place for accessway, aerial and ground applications for pesticides will increase the buffer, the possibility of invasive species in the train vortex increase the cost and applications that may be required and much more. Much of this has not been properly studied so a conclusion such as this should not be stated. Again, MCFB strongly disagrees with this statement.

616-32 | Agricultural Lands Section

When the Authority evaluates the General Plan for Merced County on Table 3.14-1, it needs to also consider the updated policies and goals that are proposed to be in the Draft EIR in the coming months which include, Land Use (LU)-2, LU-3 and LU-4 which focus on the preservation of ag land and compatible uses. Goal Agriculture (AG) -2 has also been updated in the draft policies. Policy AG-2.15 explicitly states where high-speed rail routes should be located.

616-33 | Merced County is also considering Ag land mitigation as a conservation tool at a 1:1 and 2:1 ratio. The Authority needs to factor this in as they evaluate Agriculture and Land Use.

616-34 | Section 3.14.3: The Authority's methodology does not include the forms that were used with the FPPC number which created the criteria for each alternative. Nor does this section include the scores based on the criteria to assist with the evaluation of NE-PA. A table needs to be included to easily identify the impacts.

616-35 | Pg. 3.14-8: The report discusses the regional impacts of dairies, but it excludes poultry facilities which are a major part of a top commodity in Merced County and are located along routes. Also, the numbers it references are dating back to 2007, but updated in-formation is available to be used to better reflect the economic status of the agriculture.

616-36 | Pg. 3.14-19 & 3.14-23: Although MCFB and other farming organizations have repeat-edly expressed our concern regarding aerial applications, ground applications and pollination, the Draft EIR/EIS barely addresses these concerns. Furthermore, there is no back-up data provided that validates the Authorities decisions. A clear and concise plan needs to be prepared and presented to farmers so a realistic project footprint can be evaluated for landowners.

616-37 | Section 3.14.5.1 & Pg 3.14-25: There is no proof that proposed routes will provide sol-id opportunities for smart planning, infill and focused urbanized growth. Historically Merced County's GPU has encouraged sprawl. The assumption that over 93,000 acres will be developed in Merced, Madera and Fresno is largely inaccurate, especially with the push for the San Joaquin Valley Blueprint and the smart growth planning.

616-38 | Pg. 3.14-25: Permanent crops are a long term investment (on average last upwards of 25 years) for farmers. Although construction of the HSR will only last 1 to 3 years, the impact from that construction on permanent crop farmers will be drawn out for several years. The BNSF and the Hybrid routes will be more greatly impacted due to the amount of nut and fruit trees along these routes. This needs to be acknowledged and reflected in the report.

616-39 | Pg. 3.14-25 & 3.14-26: Also, during the discussion of temporary utility interruptions the report erroneously concludes that all impacts will not result in the loss of farmland. However it is very reasonable that the short-term disruption of irrigation systems will render an operation infeasible.

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-40	<p>The temporary noise and vibration effects on livestock animals is also evaluated for the construction period, but the Draft EIR/EIS only reports that it "could" disturb livestock, but it lacks a study or report to substantiate this finding. We have two other concerns with this statement. 1) There are more than just dairy cows that will be impacted by the HSR, including a poultry facility and chickens which are highly sensitive livestock. 2) The concern of the Authority's report should be focused on the health and production of these animals during the course of the construction and use of the train.</p> <p>In no way should the example that "aerial photo's interpretation shows that livestock within these holding areas would be able to move at least 100 feet away from the alignment if necessary." That proves a lack of due diligence on the Authority's part.</p>	616-47	<p>in 2010. They require attention 365 days a year, 24-hours a day and the cost in-puts include all of the permitting for building facilities, waste discharge, California Air Resource Board requirements and the list just continues to go on. When a dairy is severed by the HSR, this will affect the many facets the Authority has no control over, and the cost often will be egregious. None of this is taken into account when the report reviews dairies. As our leading industry this would be detrimental and should be re-evaluated.</p> <p>There is a brief mention of the vibration and noise and the impacts to dairy cows, but there are no studies to back-up this information, nor do they evaluate the possibility of impacts from the Electro-Magnetic Field and stray-voltage which could be detrimental on the production of the animal and ultimately their health.</p> <p>There is no mention of the embankments and how they will impact animal facilities with drainage which is already closely regulated by the Central Valley Regional Water Quality Control Board.</p> <p>Also, the report only reflects on dairies for confined animal facilities, nothing was ever mentioned of the poultry facility that is along the tracks and production impacts that will occur on the chickens from the noise and vibrations.</p>
616-41	<p>Pg. 3.14-27: The remnant parcel plan as mentioned in above sections is an unrealistic plan that does not consider many variables that make a plot of land farmable in the first place. This should not be considered a true mitigation measure.</p>	616-48	<p>The report fails to address the loss of agricultural jobs and incomes created by the route options. As agriculture creates the largest number of jobs for the general population in Merced County, this is a vital concern that should be included. This is not mentioned in the Socioeconomic Section either.</p>
616-42	<p>Grazing Land impacts on each of the route options shows between 66 and 185 acres impacted, but the report still considers this negligible under NEPA and less than significant under CEQA. There is no explanation for this standard set or further detail how they plan to handle accessways for grazing cattle and the protected species that generally congregate in the same environments.</p>	616-49	<p>Pg. 3.14-37: In the wind-induced effects section the report finds that there would be no impacts under NEPA or CEQA, however the report fails to explain how often the trains will come through. The Draft EIR/EIS does not take into account that although Department of Pesticide Regulation does not have rules against spraying, County Ag Commissioners will use common sense and not allow landowners to spray within a quarter-mile of the route to protect themselves from frivolous lawsuits that will eventually occur if otherwise not closely evaluated. Have any impacted county Ag Commissioners been involved in this process as to their knowledge and implementation of application guidelines? How will these affect Merced County's Right-to-Farm? What will the true loss of impacted land be?</p>
616-43	<p>Also, there needs to be a breakdown of all the impacted crops and facilities to allow the readers to grasp the full impact of these routes.</p>	616-50	<p>The section does not address the impacts to water, the lifeline to agriculture. It does not take into account the added costs to water districts for rerouting of conveyance, additional driving and fuel costs, and the ultimately the increase of water cost to landowners. The section also needs to address the impacts from vibration and electrolysis on pipelines, irrigation wells, and rural housing infrastructure.</p>
616-44	<p>Pg. 3.14-31: The Draft EIR/EIS discusses the parcels that are an insufficient size, but the Authority does not define how that would be defined and categorized. Farmers and Ranchers have concerns about the evaluation of ag by the Authority, so why would they trust the Authority to make a fair assessment. There is no technical report available on agriculture land impacts, so there is no way to verify these assumptions and it should be included in the report.</p>	616-51	<p>The Authority should clarify that it will restore farmlands used for construction staging area. Replace and compensation for the loss of permanent crops should be documented.</p>
616-45	<p>Pg. 3.14-32: In the review of the severed parcels, several roads will be closed or re-routed, creating overpasses or underpasses, and each option states that large farm equipment may not be able to use these public roadways. How is this viewed as a negligible impact under NEPA and less than significant impact under CEQA? The farm equipment is vital piece of these operations and the Authority's review needs to show proof to verify this assumptions.</p>	616-52	<p>Appendices Section</p> <p>Appendix 3.18-A The City of Merced General Plan Update (Vision 2030) needs to be adjusted to the new map options proposal. The expansion size had dwindled dramatically.</p>
616-46	<p>Pg. 3.14-33 & Table 3.14-12: The tables show that there will be up to 538 acres of pro-ected farmland under the Williamson Act that will be impacted by the HSR route op-tions. How is this considered to be no impact under NEPA and CEQA with such a sub-stantial number of acres impacted?</p>	616-53	<p>Appendix 3.19-A</p>
616-47	<p>Pg. 3.14-35: The explanation of impacts to confined animal facilities has been hapha-zardly put together and does not reflect the true concerns of this very technical industry. In addition the report finds that the impacts to dairies would be negligible under NEPA and less than significant under CEQA because they are not located on "Important Farmland." However when it reflected in the Socioeconomic section they do not fully disclose the economic impacts dairies facilities will face from these reductions in their operations. The dairy industry is the leading commodity in Merced County, bringing in \$862 million in direct revenues</p>		

Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-53

The tables fail to evaluate the Planada Wastewater Treatment Plant Improvement Project which is currently in the Draft EIR process (September 19, 2011 to November 2, 2011) and conflicts/overlaps with the BNSF route. Letter is attached.

MCFB appreciates the opportunity to comment on the Draft EIR/EIS and we look forward to further dialogue and studies on the impacts to farmers and ranchers in Merced County.

Sincerely,

Jeff Marchini
President
Merced County Farm Bureau
Yes

EIR/EIS Comment :

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011)

616-1

See MF-Response-General-10

616-2

See MF-Response-General-7

616-3

See MF-Response-GENERAL-2 and MF-Response-General-10

616-4

See MF-Response-General-16

See MF-Response-General-22

616-5

See MF-Response GENERAL-3. Text in section 2.4.1, No Project Alternative-Existing and Planned Improvements, of Chapter 2, Alternatives, provides information on the planned population growth, the economic downtown, and the planned developments in various stages of approval. This information was taken into account and even with the existing developments and planned developments, additional developments will still be required to accommodate the expected population growth by 2035. Text in Section 3.18, Regional Growth, provides information on strategies that can create more compact developments and increase densities even without the HST project. The HST stations in Merced and Fresno are expected to encourage more compact development than the No Project Alternative. The Authority is working with the cities to prepare land use plans around the stations. Refer to Section 3.13.5, Station Planning, Land Use, and Development, for complete information.

616-6

See MF-Response-AGRICULTURE-1 and MF-Response-GENERAL-4.

616-7

See MF-Response-AGRICULTURE-1, MF-Response-GENERAL-1, and MF-Response-GENERAL-4.

616-7

Estimating the number of displaced employees is common for environmental reports. The number of displaced employees was determined by using estimated averages of 1 Fulltime Employee (FTE) per 325 square feet (sf) for commercial land uses, 1 FTE for 250 sf for municipal land uses (offices), and 1 FTE for 525 sf for industrial land uses (including manufacturing, distribution, and warehousing). The analysis also included a preliminary evaluation of properties for sale and lease in June, July, and August 2010 and current real estate market trends indicate an adequate quantity and quality of replacement properties for residential and business displacements. The analysis was performed using data from CoStar, a commercial real estate information company that provides commercial real estate information including commercial properties for sale and commercial space for lease. The replacement properties are within the citywide relocation replacement areas and within a 30-mile radius in unincorporated portions of the counties. This is true under all alternatives, at this time. Future availability may vary depending on market trends, population growth, and planned development. The evaluation of commercial and residential properties for sale and lease has been updated in the final EIR/EIS.

616-8

Where the census areas are very large geographically, often extending for miles beyond the study area, aerial photography was used to verify the presence of residential development within the 0.5 mile study and these census areas were not included. Aerial photography was not used for the demographic analysis. The population characteristics are based upon information provided by the U.S. Census which does not provide information on those who may be residing in non-housing units such as migrant workings. Census information has been updated with 2010 Census data. Information on migrant workers is provided in Section 3.12.4.5.

616-9

The population characteristics are based upon information provided by the U.S. Census. Information has been updated with 2010 Census data where possible. However, official population projections using the 2010 Census are not available from the Department of Finance and will not be available until 2013.

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-10

See MF-Response-SOCIAL-7 and MF-Response-GENERAL-17.

Additional translation services would have been made available if requested. However, no requests were received.

616-11

MF-Response-SOCIAL-5 and MF-Response-S&S-1. Bus routes are not expected to be significantly lengthened, because road crossings will be made available at regular intervals along the HST route.

616-12

The analysis includes consideration of rural areas along the alternative alignments. This includes the West Chowchilla Design Option. See MF-Response-SOCIAL-4 and GENERAL-5 for discussions of the analysis of non-station areas and mitigation for impacts to those areas.

616-13

The HST alignment will not affect the Planada wastewater treatment plant. MF-Response-GENERAL-8.

616-14

The HST project will displace housing along its alignment. Relocation assistance will be provided to residents who are not property owners. See MF-Response-SOCIAL-1

616-15

Section 3.12.5, Socioeconomics, Communities, and Environmental Justice, provides information on the potential impacts on the agricultural industry including the loss of employment in the agriculture industry due to property acquisition. The property owners would be compensated for any loss. Many of the residents in the study area are considered communities of concern and mitigation identified in Section 3.12.7 identifies opportunities related to the development of special recruitment, training, and job set-aside programs, which would provide opportunities for those who are not able to find new employment opportunities in the agriculture industry.

616-15

Section 3.12.5 also provides information on the range of business displacements for the HST alternatives and HMF sites. Text in the section states the based upon a preliminary analysis there are suitable locations for relocation for nearly all displacements. The section also provides information on the employment growth associated with the HST Project and how an additional 32,000 jobs would be created by 2035. Section 3.12.7 provides information on the mitigation that will be implemented for acquisitions (SO-MM#2) and mitigation that will be implemented related to job training, recruitment, and job set aside for minority and low-income populations (SO-MM#5).

616-16

See MF-Response-GENERAL-8, MF-Response-GENERAL-14, and MF-Response-GENERAL-19. Sections 3.12.5 and 3.18.5 provide information on the number of permanent jobs that the HST Project will created by 2035 for the HST alternatives the HMF sites. See SO-MM#2 in Section 3.12.7, Socioeconomics, Communities, and Environmental Justice, for information on the relocation plan that will be developed for the HST project and some of the objectives and components of the plan.

616-17

See MF-Response-GENERAL-3. The referenced report from the American Farmland Trust does not take into account either the revitalization potential created by future HST passengers in the downtowns of Merced and Fresno (thereby stimulating residential development that will avoid the need for some future conversion of farmland) or the provisions of SB 375 (2008), which will require the 2014 Regional Transportation Plans and Regional Housing Needs Allocations to be consistent with a sustainable communities strategy to reduce regional greenhouse gas (GHG) emissions. Because GHG emissions are directly proportional to vehicle miles travelled (VMT), future transportation plans will need to minimize investments that would result in additional sprawl.

The comment fails to differentiate between current trends resulting from existing conditions and those attributable to the HST project. The HST will contribute only a small (approximately 3%) increase in growth over that otherwise projected for the region.

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-18

See MF-Response-GENERAL-8, MF-Response-AQ-1, MF-Response-AGRICULTURE-1, and MF-Response-NOISE-1.

At the time the Draft EIR/EIS was prepared, the Authority was not aware of any concentrated poultry feeding operations that would be affected by the project. The nearest poultry facility (located in Mariposa Way) was approximately 400 feet south of the proposed alignment. However, during preparation of the Final EIR/EIS, it was discovered that new poultry operations had been constructed at Valley Calf located along the Ave 24 Wye. The analysis has been updated to address impacts to the Valley Calf poultry facilities in Section 3.14.5, Agricultural Lands. In addition, road modifications may require very small property acquisitions at two parcels containing poultry facilities, but the poultry facilities themselves would not be affected.

616-19

See MF-Response-GENERAL-6, MF-Response-GENERAL-14, and MF-Response-GENERAL-19. Unlike the recent housing boom, the construction period of the HST will be known and therefore the term during which construction jobs will be available. The EIR/EIS does not claim that construction jobs will be long-term and clearly differentiates them from projected permanent jobs. While there is no guarantee that construction or operations jobs will be filled by local residents, given the high unemployment rate in the San Joaquin Valley it is a fair assumption that many of the jobs will be filled by local people.

616-20

See MF-Response-GENERAL-5. The text in Section 3.12.5 first provides a discussion of the impacts that would be common to all three HST alternatives, which includes a discussion of physical deterioration, and then provides a discussion on any impacts that are unique to each alternative.

616-21

See MF-Response-Visual-1 and MF-Response-SOCIAL-2.

616-22

Section 3.12.5, Socioeconomics, Communities, and Environmental Justice, provides

616-22

summary information on the displacements. Complete information on the number of residential and business displacements by city and county is provided in the Community Impact Assessment Report located on the CAHSR website. Information is based upon a displacement analysis using information on the properties based on the county assessor data for Merced, Madera, and Fresno counties. SO-MM#6 in Section 3.12.7 provides information on rural communities where comparable replacement housing may not be available.

616-23

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-5, MF-Response-AGRICULTURE-3, MF-Response-GENERAL-4, and MF-Response-LAND USE-3.

Refer to Section 3.14.5, Agricultural Lands, for complete information on the effects on the areas not adjacent to transportation corridors. No buffer areas are proposed as part of the HST project.

616-24

See MF-Response-GENERAL-8 and MF-Response-GENERAL-4. Refer to Section 3.14.7, Agricultural Lands, for information on the measures to be implemented to address impacts to farmlands including a measure to preserve farmland. Section 3.12.7, Socioeconomics, Communities, and Environmental Justice, includes measure SO-MM#2 that includes information on providing assistance for those business owners (i.e., dairies) who require complex permitting.

616-25

See MF-Response-TRAFFIC-2 and MF-Response-AQ-4.

616-26

See MF-Response-AGRICULTURAL-1 and MF-Response-GENERAL-4. The EIR/EIS recognizes that impacts on agriculture will be significant. The comment incorrectly conflates impacts to individual operations with impacts to agriculture as a whole within the region. Individual agricultural operations will undoubtedly be adversely affected by the project, but there is no evidence that this would result in a collapse in the

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-26

agricultural industry as implied by overall tone of this submittal.

616-27

See MF-Response-GENERAL-3.

616-28

See MF-Response-GENERAL-3. The EIR/EIS discussion of growth has been revised to include a discussion of SB 375 (2008), the sustainable communities strategy in the 2014 Regional Transportation Plan, and this statute's expected effect of encouraging more compact development patterns in the future.

616-29

See MF-Response-LAND USE-2 related to the extent of direct conversion related to the HST Project and MF-Response-GENERAL-4 related to impacts on agricultural land. As discussed there, the EIR/EIS recognizes that the project will have a significant effect on agricultural lands.

616-30

See MF-Response-GENERAL-3 regarding growth. The EIR/EIS does not portray construction jobs as permanent, as the comment implies. Construction and operations jobs are clearly differentiated. Construction will have a major economic effect on the area because of the number of workers and related services that will be required. This is recognized by the Authority/FRA as being an effect that will last only as long as construction continues. Long-term jobs will accrue once the HST becomes operational.

616-31

See MF-Response-S&S-1, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-5, and MF-Response-AGRICULTURE-6. Regarding the issue of a buffer adjacent to the ROW, the Authority is not proposing any type of buffer outside of the HST right-of-way. Further, there is no evidence that the train will carry invasive species in its vortex, nor that any HST transmits invasive species in that way.

616-32

Merced County is in the process of preparing a General Plan Update. Relevant farmland goals and policies from the proposed update have been added to the EIR/EIS (Table 3.14-1).

616-33

At this time, Merced County does not have an adopted ratio for replacement/mitigation of farmland lost to development. The current General Plan contains policies as listed in EIR/EIS Table 3.14-1. As part of the proposed Merced County General Plan 2030 Update, a policy is under consideration that would require farmland mitigation at a 1:1 ratio. Because the General Plan Update has not been adopted, the EIR/EIS does not identify a required 1:1 farmland mitigation ratio for Merced County. To exemplify the uncertainty over the draft update, at one time, Merced County was considering a 4:1 ratio but this has been removed from the most recent draft document.

The EIR/EIS will require mitigation at a 1:1 ratio in conjunction with a program to obtain local agricultural conservation easements on comparable land from willing sellers.

616-34

See MF-Response-AGRICULTURE-8.

616-35

With regard to poultry facilities, see MF-Response-AGRICULTURE-6. With regard to the 2007 data that is being used, it is the most up to date data available from the USDA Census of Agriculture, which is performed every 5 years. This data represents the most up to date for the broad categories of agriculture being addressed in this section.

616-36

See MF-Response-AGRICULTURE-5 related to pesticide spraying and pollination. The Authority has researched these issues and found no substantial evidence to support the claims made in the comment.

616-37

The HST route itself is not claimed to provide opportunities for smart growth, infill and focused urbanization. However, the ready access that it will provide to the downtowns of

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-37

Merced and Fresno will provide an economic incentive for their revitalization. This would result in infill development within those under-developed areas and the potential to create a new level of importance to those urban centers.

See also MF-Response-GENERAL-3.

616-38

See MF-Response-GENERAL-4.

616-39

In the event that a temporary utility interruption would interrupt farming activities, the Authority's right-of-way agents will provide just compensation for the lost production, on a case-by-case basis. See MF-Response-AGRICULTURE-4.

616-40

See MF-Response-AGRICULTURE-6. Additional study has been undertaken between completion of the Draft EIR/EIS and certification of the Final EIR/EIS regarding the site-specific effects on livestock and that study is found in Appendix 3.14-B.

616-41

See MF-Response-AGRICULTURE-3.

In addition, the intent of the remnant parcel consolidation program is not to avoid the identified impact, but instead to reduce that impact to some extent. The EIR/EIS concludes that the loss of agricultural land is a significant and unavoidable impact of the project. The EIR/EIS does not claim that this program would change that conclusion.

616-42

Loss of grazing land is disclosed throughout the impact analysis in Section 3.14, Agricultural Lands, ranging from 66 acres (UPRR/SR 99 Alternative with the Ave 24 Wye and West Chowchilla DO) to 185 acres (BNSF with Ave 24 Wye). These numbers are roughly 10 percent or less of total agricultural land impacts. However, as discussed in Section 3.14.3, Methods for Evaluating Impacts, farmland impacts are based on

616-42

important farmlands as defined by the Farmland Mapping and Monitoring Program. Grazing lands are not identified as important farmlands, and therefore were not presented in the same manner as the four important farmland categories. Almost all grazing land occurs in areas where the HST alignment is at-grade; no grazing animal access across the alignment is proposed.

616-43

Based on CEQA standards, the EIR/EIS evaluates impacts to Important Farmlands. This is based on soil types and other factors as described in the EIR/EIS (see the discussion of the Farmland Mapping and Monitoring Program in Section 3.14.2.2). The EIR/EIS also discloses general crop cover types in Figures 3.14-5 through 3.14-8. Crop types can (frequently) change, however, and so using these FMMP categories is the preferred method of evaluating farmland impacts. In terms of how crop types affect the valuation of farmland for right-of-way acquisition, see MF-Response-GENERAL-4. See also MF-Response-GENERAL-1 regarding the level of detail expected in an EIR/EIS.

616-44

See MF-Response-AGRICULTURE-3 regarding the issue of unusable remainders.

616-45

See MF-Response-AGRICULTURE-2. Where public grade separations are built, they will be sized based on anticipated traffic level of service. For example, a local road replacement would typically consist of two 12-foot wide travel lanes and two 4-foot wide paved shoulders. Existing roads would therefore be replaced with roads of equal or greater width. Farm equipment that currently uses existing roads (in some cases with advance or trailing vehicles), would be able to use the new grade-separated roads. When a grade separation is installed to serve a private user, such as a farm, it will be built to a size that is mutually agreeable to the farmer and the Authority.

616-46

Williamson Act coverage is one factor, but not the sole factor, in determining the significance of the impact on farmland. This is because the Williamson Act can be applied to open space lands as well, which may have little agricultural value. See MF-

Response to Submission 616 (Jeff Marchini, Merced County Farm Bureau, October 13, 2011) - Continued

616-46

Response-AGRICULTURE-7.

616-47

See MF-Response-AGRICULTURE-6 which provides additional information regarding confined animal agriculture, MF-Response-WATER-2 regarding drainage, MF-Response-WATER-3 regarding flooding, and MF-Response-GENERAL-4 discussing general impacts on agriculture.

616-48

See MF-Response-GENERAL-4.

616-49

See MF-Response-AGRICULTURE-5 regarding spraying. The HST trainsets are fully sealed, in part to provide comfortable high speed travel for passengers, and would not require setbacks from spraying operations.

Recently, the Authority has been working with Agricultural Commissioners in both the Merced to Fresno and Fresno to Bakersfield HST project areas, and has been discussing pesticide application with the California Department of Pesticide Regulation. In order for there to be an effect to the Merced County (and Madera County) Right-to-Farm Ordinance, the Authority would need to make a complaint about farming practices. The Authority has no intention of doing so.

616-50

With regard to on-farm water distribution systems, see MF-Response-AGRICULTURE-4. With regard to district systems, see MF-Response-WATER-1.

616-51

See MF-Response-GENERAL-4. As stated in EIR/EIS Section 3.14.5.3, under the subsection Temporary Use of Agricultural Land, all areas of temporary disturbance will be restored after use.

616-52

The Land Use section (3.13) and Regional Growth (3.18) were updated to include the Merced Vision 2030 GP. The information in the analysis is from the latest adopted/approved city and county general plan documents. The information in Appendix 3.19-A, Planning Area Boundaries, is based on information in the adopted City of Merced 2030 General Plan.

616-53

The Planada Wastewater Treatment Plant Improvement Project, the project has been added to the cumulative impacts analysis as requested. However, the preferred (Hybrid) alternative will not affect the treatment plant.

Submission 779 (Jeff (1), Tom (2), Steve (3) Marchini (1), Rogers (2), Massaro (3), Merced County Farm Bureau (1), Madera County Farm Bureau (2), Preserve our Heritage (3), October 13, 2011)

October 12, 2011



California High Speed Rail Authority
California High Speed Train Project, Merced to Fresno Section
770 L Street, STE#800
Sacramento, CA 95814
Merced_Fresno@hsr.ca.gov

779-1

We address the High Speed Rail Authority (Authority) as a unified group of Bureaus and Member-Based organizations—universally entreating the Authority for an extension of public review period for The *Draft Merced to Fresno Section Project EIR/EIS, Volume I: Report*, dated August 2011 (DEIR/DEIS). The California Environmental Quality Act (CEQA) requires the Lead Agency to adhere to specific, statutory time limits for public comments, which the Authority followed on the surface. However, given the magnitude of impacts, level of Project significance, and the rural nature of the public in this case, certain statutes within CEQA were not followed or addressed.

- The Authority did NOT follow CEQA regarding public review of the Draft EIR. Article 7§15087. (a)3 *CEQA Guidelines* states;

“...Direct mailings to the owners and occupants of property contiguous to the parcel or parcels on which the Project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.”

On few such occasions have the owners of properties been able to verify receipt of any kind of direct communication from the Authority regarding Alternative Alignments currently contained within the DEIR/EIS. The document has changed throughout time, and many property owners have only recently been made aware that their properties lie directly within the path of these proposed Alternatives. Due to the nature of this Project—and its’ plausible designation as a Project of Statewide Significance (Article 13§15206 *CEQA Guidelines* Projects of Statewide, Regional, or Areawide Significance), the public comment period should be extended so that all affected land owners and occupants of properties affected by this Project can be allowed the opportunity to assess the impacts.

- The Authority did NOT follow CEQA regarding the statutory nature of public review and the circumstances of the Project. Article 8 Time Limits§15105 Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration (a) *CEQA Guidelines* states;

“... The public review period for a Draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances...”

1

779-1

Regarding the Project as an unusual circumstance is a necessary action in this case due to the volume of area affected, the high quantity of significant and unavoidable impacts occurring in the Project area, and the extraordinary amount of people and individuals impacted by the Project—both in adverse and beneficial ways. Although the DEIR/EIS was filed correctly and statutory time limits observed—the designation of this Project as an unusual one, should provide for additional review time by those potentially affected.

- The Authority did NOT analyze the Project from a standpoint of Significance. The Project is one of Statewide, Regional, or Areawide Significance. Article 13§15206 Projects of Statewide, Regional, and Areawide Significance (b) states;

“...The lead agency shall determine that proposed project is of statewide regional, or areawide significance if the project meets any of the following criteria:

(2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located...and

(3) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.”

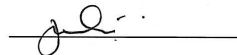
The Project, as proposed in the DEIR/EIS, is required under the aforementioned CEQA statutes to be considered a Project of Significance—which then requires different levels of review by those agencies and individuals affected. The DEIR/EIS does not address this—nor does it address this in determining its public review and comment period. Although outreach was conducted via workshops in Fresno, Fairmead, LeGrand, and Chowchilla—none of the significance criteria or present alignments were discussed during those workshops. The document, as it stands today, is a new version that needs additional time to be vetted among its affected constituency based on the significance designation. Any outreach efforts performed to date that have not disclosed the significance criteria—are not valid [see *Communities for a Better Environment v. City of Richmond/ 184 Cal. App. 4th 70*], and should not be considered a completion of public review. The scope of new information contained in this DEIR/EIS, compared to what the Authority provided to the public via outreach—is not acceptable nor legal in this regard.

2

Submission 779 (Jeff (1), Tom (2), Steve (3) Marchini (1), Rogers (2), Massaro (3), Merced
County Farm Bureau (1), Madera County Farm Bureau (2), Preserve our Heritage (3),
October 13, 2011) - Continued

We have confidence that the Authority, in light of these issues raised, will address our unified request in seeking additional time regarding the public review of the DEIR/EIS. All facts, opinions, mitigation and effects of the proposed Project should be considered in the discussion of an Environmental Impact Report (Article 9 §15126.2 Consideration and Discussion of Significant Environmental Impacts).

Sincerely,



Jeff Marchini, President

Merced County Farm Bureau

(209)723-3001



Tom Rogers, President

Madera County Farm Bureau

(559)674-8871



Steve Massaro, President

Preserve Our Heritage

(559)232-3285

Response to Submission 779 (Jeff (1), Tom (2), Steve (3) Marchini (1), Rogers (2), Massaro (3), Merced County Farm Bureau (1), Madera County Farm Bureau (2), Preserve our Heritage (3), October 13, 2011)

779-1

See MF-Response-GENERAL-7.

Submission 777 (Doris Hughes, Merced Mobile Estates, August 23, 2011)

777-1

MY NAME IS DORIS HUGHES AND I LIVE AT THE MERCED MOBILE ESTATES WHERE THERE IS A PROPOSED PLAN TO RUN THE RAIL THROUGH OUR MOBILE HOME PARK.

WE HAVE 125 SPACES AND YOU WOULD BE DISRUPTING A LOT OF PEOPLES' LIVES. MOST OF THE PEOPLE ARE ON FIXED OR LOW INCOMES AND CAN NOT AFFORD TO MOVE OR TOO SICK TO MOVE, PERSONALY I HAVE A TWIN SISTER THAT HAS TERMINAL CANER AND DOES NOT NEED THIS KIND OF STRESS. WE HAVE A LOT OF ELDERALY BECAUSE THIS USE TO BE AN ADULT PARK AT ONE TIME IF WE ALL HAD TO MOVE, WHERE WOULD ALL THE MOBILE HOME GO? ALSO, THERE ARE ONLY A LIMITED AMOUNT OF AFFORDABLE HOUSING TO PUT US IN.

THERE IS SURROUNDING LAND THAT IS NOT BEING USED THAT YOU COULD CONSIDER INSTEAD OF DEVASTATING SO MANY LIVES.

777-2

WHEN THE PEOPLE VOTED ON THIS HIGH-SPEED RAIL IN 2008 WE WERE TOLD THE HIGH-SPEED RAIL WAS ESTIMATED TO COST AROUND \$33 BILLION. INFORMATION RELEASED INDICATES THAT THE COST OF CONSTRUCTION FOR THE FIRST PHASE OF THE HIGH-SPEED RAIL FROM SAN FRANCISCO TO ANAHEIM HAS SWELLED TO MORE THAN \$60 BILLION. THIS WOULD RAISE THE STATE'S ANNUAL DEBT SERVICE PAYMENT TO A DANGEROUS LEVEL AND TAKING FUNDS FROM OTHER PROGRAMS AND INFRASTRUCTURE PROJECTS. THE PROJECT SHOULD BE PUT ON HOLD TO ALLOW CALIFORNIAS TO VOTE ON WHETHER THEY ARE WILLING TO ABSORB THE ADDITIONAL COSTS OR WANT TO PULL THE PLUG.

CALIFORNIA FACES MANY CHALLENGES THAT ARE CERTAIN TO BE GRIDLOCK IN WASHINGTON AND UPHEAVAL IN WALL STREET. DESPITE SUCCESS IN SECURING STIMULUS DOLLARS, FUTURE FEDERAL FUNDING WILL BE REDUCED SIGNIFICANTLY IN THE COMING YEARS. CONTROL OF THE HOUSE OF REPRESENTATIVES WILL HAVE THE HIGH-SPEED RAIL ON THE CHOPPING BLOCK DUE TO THE MASSIVE CUTS TO PROGRAMS AND ENTITLEMENT PROGRAMS.

WE HAVE AMTRACK AND PEOPLE ARE NOT USING IT. PEOPLE LIKE THEIR FREEDOM OF THEIR CAR. THE HIGH-SPEED RAIL ONLY GOES SO FAR IN THE FINAL DISTINATION AND THEN YOU'LL HAVE TO TAKE A BUS OR RENT A CAR TO GET TO WHERE YOU WANT TO GO.

WE COULD USE 100 BILLION IN REPAIRING AND EXPANDING OUR ROADS. GREEN JOBS THAT USE SOLAR ENERGY TO RUN OUR HOMES AND CARS SO WE ARE NOT RELIANT ON FOREIGN OIL.

SINCERELY,

DORIS HUGHES
2020 ASHBY RD. #90
MERCED, CA 95348
209 233-9548

9/22/11



Response to Submission 777 (Doris Hughes, Merced Mobile Estates, August 23, 2011)

777-1

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-4.

777-2

See MF-Response-GENERAL-18.

Submission 170 (Rod Diridon, Sr., Mineta Transportation Institute, September 22, 2011)

Merced - Fresno - RECORD #170 DETAIL

Status : No Action Required
Record Date : 9/22/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 9/22/2011
Submission Method : Website
First Name : Rod
Last Name : Diridon, Sr.
Professional Title : Executive Director
Business/Organization : Mineta Transportation Institute
Address :
Apt./Suite No. :
City : San Jose
State : CA
Zip Code : 95112
Telephone : 408 859 4447
Email : rod.diridon@sjsu.edu
Cell Phone :
Email Subscription : San Francisco - San Jose, San Jose - Merced
Add to Mailing List : Yes
Stakeholder Comments/Issues : Let's build this thing! We need the jobs, clean air, mobility, reduction in the petroleum-based deficit balance of trade, and national pride in being able to build iconic projects again. Negotiate a fair price for the farm lands and pay for the open-space off-sets. But build it now!!
EIR/EIS Comment : Yes

170-1

Response to Submission 170 (Rod Diridon, Sr., Mineta Transportation Institute, September 22, 2011)

170-1

See MF-Response-GENERAL-9 and MF-Response-SOCIAL-1.

Submission 823 (Keith Rigg, Minturn Nut Co Inc., October 13, 2011)



Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderán en el EIR/EIS final.

Name/
Nombre: Keith Rigg Organization/
Organización: Minturn Nut Co Inc.

(Optional/Opcional)
Address/Domicilio: 8800 S. Minturn Rd. Phone Number/
Número de teléfono: 559-1665-8500

City, State, Zip code/
Ciudad, estado, código postal: Le Grand, CA 95333 Email address/
Correo electrónico: keith@minturnnut.com

See attached, please.



8800 SOUTH MINTURN ROAD
LE GRAND, CALIFORNIA 95333-9711
USA
OFFICE: (559) 665-8500
FAX: (559) 665-8588

California High Speed Rail Authority

Minturn Nut Co Inc is privately held corporation processing approximately 70 millions pound of almonds annually. Most of the almonds purchased and processed are locally grown and farmers use local roadways for cultural practices as well shipment for delivery to Minturn Nut.

Minturn Nut Co Inc strongly objects to any proposed High Speed Rail routes that might cross through any local farmland for the following reasons:

1. Any interference with local roadways would inflict great hardship and harm to our growers cultural farming practices and ability to transport their almonds to our processing facility located on Minturn Road in Merced County.
2. Any loss of productive almond farmland would mean a reduction of Minturn Nut Company's potential pounds of processed almonds. There is a potential for hundreds of acres to be effected with the routes through farmland instead of adjacent to MAJOR transportation corridors.
3. Any loss of almond production due to the rail route will in turn affect local jobs and employment to people in our community. Minturn Nut Company currently employs an average of 160 people processing almonds during the year. Any reduction in almond pounds received at Minturn Nut Company would directly reduce the number of employees hired. Merced County already has one of the highest unemployment rates in the state of California.

The only route that should be considered as viable would be adjacent to the existing railroad route or along major traffic corridors NOT across prime farmland that is irreplaceable.

Keith Rigg, General Manager

Keith Rigg

Minturn Nut Co Inc

"BUYER & SELLER OF QUALITY CALIFORNIA ALMONDS"

Response to Submission 823 (Keith Rigg, Minturn Nut Co Inc., October 13, 2011)

823-1

See MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-2.

823-2

See MF-Response-SOCIAL-3.

Submission 627 (Al Sheeter, Mordecai Ranch, October 13, 2011)

Merced - Fresno - RECORD #627 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/13/2011
Submission Method : Website
First Name : Al
Last Name : Sheeter
Professional Title : Manager
Business/Organization : Mordecai Ranch
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93639
Telephone : 559.232.2083
Email : al@mordecairanch.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

Mordecai Ranch
P.O. Box 660
Madera, CA 93639
559.232.2083

October 12, 2011

California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Merced to Fresno Draft EIR/EIS Comments

The Mordecai family, represented by the undersigned as well as other family members, has previously submitted comments to the High Speed Rail Authority (Authority) in letters dated November 5, 2009, December 3, 2009, December 17, 2009 (2 separate letters this date), December 17, 2009, January 7, 2010, April 8, 2010, June 3, 2010, and December 20, 2010, attached to the end of this comment letter for reference.

An early high speed train (HST) route alternatives through Madera County involved carving out a new transportation corridor on the west side of Madera County that did not follow any established transportation corridor. This route, known as the A3, was ultimately taken off the alternative list in April of 2011. If carried forward, the A3 route alternative would have bifurcated and destroyed untold acres of prime farmland, including our holdings that has been in our family since the 1800's, with little regard for impacts to agriculture and the numerous other factors disqualifying the western Madera County HST alignment alternative from consideration. The Authority admits same in the Draft Merced To Fresno Draft EIR/EIS, Volume I, dated August 2011 (DEIS/EIR), Section 2.3.2-20, "In the Preliminary Alternatives Analysis, Western Madera (A3) and UPRR/BNSF Hybrid (A4) alternatives were removed from further consideration because they departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agriculture lands. Doing so would have the potential to reduce the viability of surrounding farmlands, giving way to other uses such as other transportation and utility infrastructure that could result in unwanted and unplanned growth patterns."

Now the Authority must consider other route alternatives chronicled in the DEIS/EIR. Please consider the following:

Impact to Agriculture/Farmland

The Authority's statement as it pertains to the A3 as listed above should be considered wherever a route alternative in Madera County is considered that deviates from an established transportation corridor and impacts farmland. This statement notwithstanding, the Authority should also consider all impacts to agriculture farmland even when route alternatives in Madera County follow existing transportation corridors.

Agriculture is the economic engine of Madera County, as chronicled in the Madera County 2010 Agricultural Crop Report:

"The gross value of Madera County's agricultural production in 2010 was \$1,348,505,000. This represents an overall increase of \$384,969,000 (39.9%) over the revised 2009 production levels.

The Fruit and Nut Crop category was largely responsible for pushing production levels back over the billion dollar mark with a remarkable 50.8% increase. Leading the way in this category was the number one

627-1

Submission 627 (Al Sheeter, Mordecai Ranch, October 13, 2011) - Continued

627-1 commodity, almonds (nuts and hulls) valued at \$270,916,000. Pistachios made a strong comeback from 2009 with a 192% increase to \$239,702,000. Dairy prices rebounded and milk remained the third ranking commodity with an overall value of \$236,610,000. Grapes showed modest gains despite reduced acreage but dropped to the number four position at \$232,740,000. Cattle and calves remained Madera County's fifth highest individual commodity at \$43,586,000."

627-2 In section 3:14 (Agriculture), the impact to Madera County farmland in the DEIR/EIS is minimized by not fully exploring the hardships caused by the loss of any portion of an agricultural parcel can have on farming operations or the significant challenges caused by the scope of the project on surrounding farmland. For example, a loss of one acre of farmland containing a deep well can cause great damage to tens if not hundreds of acres, causing undue hardship and loss of revenue for the farmer as well as the loss of a tax base for Madera County. Another example would be the significant hindrance to farming operations caused by road closings and other transportation circulation issues caused by the HST. This is in addition to undocumented agricultural impacts to Madera County through loss of employment and commerce caused by the project.

627-3 Additionally, the Authority has failed and/or minimized the potential impact to water distribution systems impacted by the Project, including groundwater and surface water distribution systems. There is also a failure to consider subsidence as an issue of concern.

627-4 The outreach to the agricultural community by the Authority to gather reliable information, discuss route alternatives, and proper mitigation has been dismal at best. The Authority as a whole has acted with a pervasive lack of regard for the affected region's number one industry. While the Authority may be able to show that it held a number of workshops and/or meetings with the agricultural industry leading up to the DEIR/EIS, many of those same workshops/outreach meetings that I attended were nothing more than 'lip service' that enabled the Authority to check off a box that these workshops were held. This being said, I would be remiss not to mention that I found several individuals employed directly or indirectly by the Authority to be compassionate and understanding toward that agricultural community and as frustrated by the general disdain shown by the Authority toward agriculture as farmers and agricultural leaders alike.

627-5 In summary, the Authority has failed in its responsibility to consider the overall importance of agriculture and said industry's great importance to Madera County specifically and the Central Valley in general. The Authority should properly identify the importance of agriculture in all aspects of Madera County and the Central Valley region, seek to stop or minimize any and all impacts to agriculture in Madera County and the Central Valley Region caused by this project, and seek out proper information to provide superior mitigation responses should impacts and/or damages incur to agriculture in Madera County and the Central Valley Region.

Impact To Rural Lifestyle

Madera County provides a rural lifestyle not often found in today's hectic world--quiet evenings, congenial hospitality among neighbors, and a respite from many of today's social ills that threaten a healthy and fulfilling life. Now the HST is being touted as an added benefit for our mainly rural population.

627-6 What exactly are the benefits that this project will bring to Madera

627-6 County? The project's path travels north to south, as described in the current DEIR/EIS and eventually east to west, as will be covered in the San Jose to Merced section DEIR/EIS purportedly going to be issued in spring of 2012. So while Madera County gets sliced and diced by the HST's footprint, there is no access in Madera County to the HST and the opportunity for commerce and/or employment generated by project for Madera County residents is extremely limited. In section 3:12-31, Social Economics, the Authority state benefits would "economically benefit cities and counties by attracting new employment opportunities and those who live and work near the HST stations. Again, Madera County does not have a station. And the Authority did little to analyze the available work force in Madera County and the possibilities that the educational backgrounds and employment training of said work force will meet or surpass the needs and standards set by jobs created by the project.

627-7 In the same paragraph, the DEIR/EIS state another benefit of the project would be "improved mobility in the region, improved traffic conditions on freeways as people increasingly use HSTs, and improvements in air quality in the region." Any use of the HST or travel to a job created by the project will necessitate the use of a vehicle to get to the access point of the HST or the job site, thus creating more traffic and congestion in Madera County, a direct refutation of the DEIR/EIS claims. Additionally, due to the insufficient mitigation measures the Authority plans for Madera County for transportation circulation problems caused by the closed rail lines of the HST, especially in rural areas consisting of mainly farmland, traffic congestion and air pollution will increase in Madera County, destroying one of the benefits of our rural way of life.

627-8 Additional environmental and safety concerns caused by the project are noise pollution, availability and access of fire protection and law enforcement to rural and urban areas, destruction of visual and historical aspects of our region, destruction of wetlands and wildlife habitat including wildlife migration corridors, and air quality issues.

Superior mitigation response from the Authority is appropriate in addressing concerns about the rural lifestyle in terms of socioeconomics, community planning, and environmental justice in Madera County and the Central Valley region.

627-9 Statutory Review Period

Although CEQA provides for minimum 45 day statutory review period for DEIR/EIS and the Authority increased said review period to 60 days, I feel this is grossly inadequate considering the breadth and scope of the information contained in the DEIR/EIS.

627-10 Final Thoughts

The Project as now planned brings little or no positive benefit to Madera County. To minimize negative impacts, the Authority should closely follow existing transportation corridors, especially as the Project runs east/west by paralleling Highway 152, and provide superior mitigation for all negative impacts incurred by Madera County, including but not limited to impacts to residents, businesses with an emphasis on agriculture, infrastructure, lands, habitats and resources, and governing agencies. Additionally, the Authority should make every effort to better Madera County and its cities and communities, including but not limited to the betterment of residents, businesses with an emphasis on agriculture, infrastructure, lands, habitats and resources, and governing agencies, as a condition of building the Project with Madera County boundaries because of its lack of positive benefits to said region.

Submission 627 (Al Sheeter, Mordecai Ranch, October 13, 2011) - Continued

Please feel free to contact me at your convenience if you have any questions.

Sincerely,

Al Sheeter
Mordecai Ranch
Yes

EIR/EIS Comment :

Response to Submission 627 (Al Sheeter, Mordecai Ranch, October 13, 2011)

627-1

See MF-Response-GENERAL-2 and MF-Response-GENERAL-4.

627-2

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-2, and MF-Response-AGRICULTURE-4.

See also the response to comment #1087 regarding the issue of subsidence.

627-3

With regard to water distribution systems, see MF-Response-AGRICULTURE-4. With regard to subsidence, see additional text added to Section 3.9 (Geology, Soils, and Seismicity) in response to this and similar comments.

627-4

See MF-Response-GENERAL-17.

627-5

See MF-Response-AGRICULTURE-1 and MF-Response-GENERAL-4.

627-6

See MF-Response-GENERAL-5. The HST project includes a number of benefits for those populations not in close proximity to the HST stations including employment opportunities, improvement in access to the larger metropolitan areas, improvements in air quality, and decreased automobile congestion.

627-7

See MF-Response-TRAFFIC-3.

The design of HST allows for the continued operation of major arterials. Therefore, no additional traffic analysis was deemed necessary.

627-8

See MF-Response-GENERAL-1 and MF-Response-GENERAL-5.

627-9

See MF-Response-GENERAL-7.

627-10

See MF-Response-GENERAL-2 and MF-Response-GENERAL-5.

Submission 836 (Scott Wickstrom, N&W Land Co. LLC/Red Top Jerseys, October 13, 2011)



Comment Period Extended to
October 13, 2011

~ CALIFORNIA

~ High-Speed Rail Authority

*Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)-
Public Hearings
September 2011
Please submit your completed comment card at the
end of the meeting, or mail to:*

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

Name: Scott Wickstrom - N&W Land Co. LLC/Red Top Jerseys

Address: 214643 Road 4 Chowchilla, Ca. 93610

Phone Number (209) 652-4975

To whom it may concern,

The following comments relate to our review of the Draft Environmental Impact Report
Environmental Impact Statement (DEIRIS) prepared for the Merced to Fresno High Speed Train
Section.

**INCOMPLETE DESCRIPTION OF THE ENVIRONMENTAL SETTING IMPACTED BY THE
PROJECT:**

The DEIRIS fails to accurately and completely describe the existing environmental setting
and evaluate impacts against the setting. The environmental setting is the pre-project or
existing environmental conditions on the ground. Specifically, the DEIRIS fails to describe until a
later time during the appraisal and negotiation process, all utilities, wells, access roads,
irrigation pipelines and other facilities necessary to operate farms and dairies along the route.

For this reason or reasons, it is not possible for the DEIRIS to have accurately and
completely described the impacts of the project. A revised DEIRIS must be prepared to
address these omissions and recirculated for a 90-day public comment period.

836-2

INCOMPLETE PROJECT DESCRIPTION:

The DEIRIS fails to describe the whole project. Without a description of all aspects of the
project that could impact the environment, the DEIRIS fails to describe the electrical facilities
necessary to operate the project including transmission lines to and from sources; as well as the
location of these stations.

For this reason or reasons, it is not possible for the DEIRIS to accurately and adequately
describe the project's impacts and mitigation measures. A revised DEIRIS must be prepared
to address these omissions and recirculated for a 90-day public comment period.

DEIRIS FAILS TO ADEQUATELY DESCRIBE AND CHARACTERIZE LAND USE IMPACTS:

The DEIRIS fails to describe the project's impacts on land use. The DEIRIS finds that project
impacts will be less than significant when taking into consideration the total percent of land
impacted. To the contrary, land use impacts will be significant. The DEIRIS underestimates
land use impacts because:

- The DEIRIS omits critical information about existing land uses and land use policies.

- The DEIRIS bases impacts on an unrealistically small project footprint - the footprint will
be considerably larger due to noise, vibration, transfer of pesticides,

836-3

- Only the Socio-economic section describes some of the land uses impacted in any detail.
This detail is omitted from analysis in the land use section.

- The analysis fails to acknowledge the project's interference with existing neighborhoods
and operations. The Project will disrupt existing neighborhoods and as proposed will
significantly impact existing operations for most landowners within close proximity to the project.

For this reason or reasons, it is not possible for the DEIRIS to accurately and adequately
describe the project's impacts on land use and therefore to identify feasible mitigation
measures. A revised DEIRIS must be prepared to address these omissions and recirculated
for a 90-day public comment period.

**DEIRIS FAILS TO ADEQUATELY DESCRIBE AND CHARACTERIZE SOCIAL AND
ECONOMIC IMPACTS:**

- The DEIRIS omits critical information pertaining to potential economic impact, this is
particularly evident in respect to Conditional Use Permits issued to dairy facilities located within
the project area. With regard to our specific dairy (Red Top Jerseys) we have obtained a
Conditional Use Permit for 8,500 cows, however this permit is contingent upon review from the
Central Valley Regional Water Quality Control Board and was based upon the ability to apply
nutrient water from our dairy on 824 acres. The proposed project would divide off 236 acres of
our application area and does not indicate if underground pipelines will be allowed to cross
under the project. The loss of this land for nutrient water application would result in a loss of
approximately 28% of our application acreage and could conceivably result in our use permit
being reduced by a like amount (2400+/- head). Discussions with real estate appraisers who

836-4

836-5

836-1

Submission 836 (Scott Wickstrom, N&W Land Co. LLC/Red Top Jerseys, October 13, 2011) - Continued

836-5

specialize in evaluating dairy facilities in the Central Valley indicate use permits are valued on a "per head" basis and that value typically ranges between \$2000-\$3,000 per head.

Based on this information, the loss in value for our facility could range from \$4,800,000 to \$7,200,000.

Based on this same reduction in herd size, projected milk income could be reduced by over \$10,000,000 per year.

Needless to say, these impacts would severely limit our borrowing capabilities and cash flow, possibly to a degree that we would not be able to operate under these constraints.

836-6

- The location and design of "crossovers" in our area has not been addressed. The location of these conveyances could have a dramatic impact on our farming and harvest costs for this now "separate" 236 acre farm. Based on the current analysis, we cannot assess the economic impact we may incur if equipment and vehicle access is limited either from the design or location of these crossovers.

- Additional items of concern currently not addressed is the potential of noise, vibration, dust and stray voltage negatively impacting the health of our milking herd considering the proximity of Red Top Jerseys to the High Speed Rail Line.

In summary, the analysis has failed to acknowledge the project's true potential for negative economic impact to landowners as required under the California Environmental Quality Act.

Scott Wickstrom
N&W Land Co. LLC/Red Top Jerseys

Response to Submission 836 (Scott Wickstrom, N&W Land Co. LLC/Red Top Jerseys, October 13, 2011)

836-1

The commenter is correct in that property valuation occurs after the EIR/EIS process is complete; it is part of the right-of-way acquisition process. All detailed property appraisals and negotiations occur once a preferred alternative is selected and environmentally cleared. Landowners will be compensated on a case-by-case basis, depending upon the property that would be affected. See MF-Response-SOCIAL-1.

None of the conditions that might require recirculation of the draft EIR/EIS has occurred. No new significant impacts or substantially more severe impacts have been identified. The Authority/FRA have refined the mitigation measures set out in the draft EIR/EIS, but have not needed to adopt a feasible mitigation measure that would avoid a new significant effect or reduce a more severe impact. No new feasible alternatives have been presented that would meet most or all project objectives, would reduce significant effects, and are substantially different from the alternatives already considered - including those alternatives previously considered and not selected for further review. The EIR/EIS is supported by voluminous substantial evidence and is not conclusory in nature.

836-2

See MF-Response-GENERAL-1 and MF-Response-GENERAL-23. Electrical facilities, including the catenary system, traction power substations, switching and paralleling stations, and back-up and emergency power supply sources, needed to operate the project are discussed in Section 2.2.7, Traction Power Distribution.

836-3

See MF-Response-LAND USE-2, MF-Response-LAND USE-3, MF-Response-LAND USE-4, MF-Response-NOISE-3, MF-Response-NOISE-5, MF-Response-AGRICULTURE-5, and MF-Response-AQ-1.

836-4

See MF-Response-SOCIAL-4 and MF-Response-LAND USE-2.

836-5

See MF-Response-AGRICULTURE-6.

836-6

See MF-Response-GENERAL-4, MF-Response-GENERAL-1, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-6.

Submission 387 (Nijjar Brothers, Nijjar Brothers Farms, LLC, September 30, 2011)

Merced - Fresno - RECORD #387 DETAIL

Status : Action Pending
Record Date : 9/30/2011
Response Requested : Yes
Stakeholder Type : CA Resident
Submission Date : 9/30/2011
Submission Method : Project Email
First Name : Nijjar
Last Name : Brothers
Professional Title :
Business/Organization : Nijjar Brothers Farms, LLC
Address : Road 24/ Avenue 19
County :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93638
Telephone :
Email : nijjarbrothers@yahoo.com
Fax :
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List :
Comment Type : Information Request/Question
Stakeholder
Comments/Issues : Good afternoon,

We look forward to the new development in our area. How will it affect
our land which is approximately 2-3 miles away from the proposed
track?

Nijjar Brothers Farms, LLC.
Road 24/Avenue 19
Madera, Ca 93638

Subscription
Request/Response :
EIR/EIS Comment : No
General Viewpoint on
Project : In Support of CAHST Project

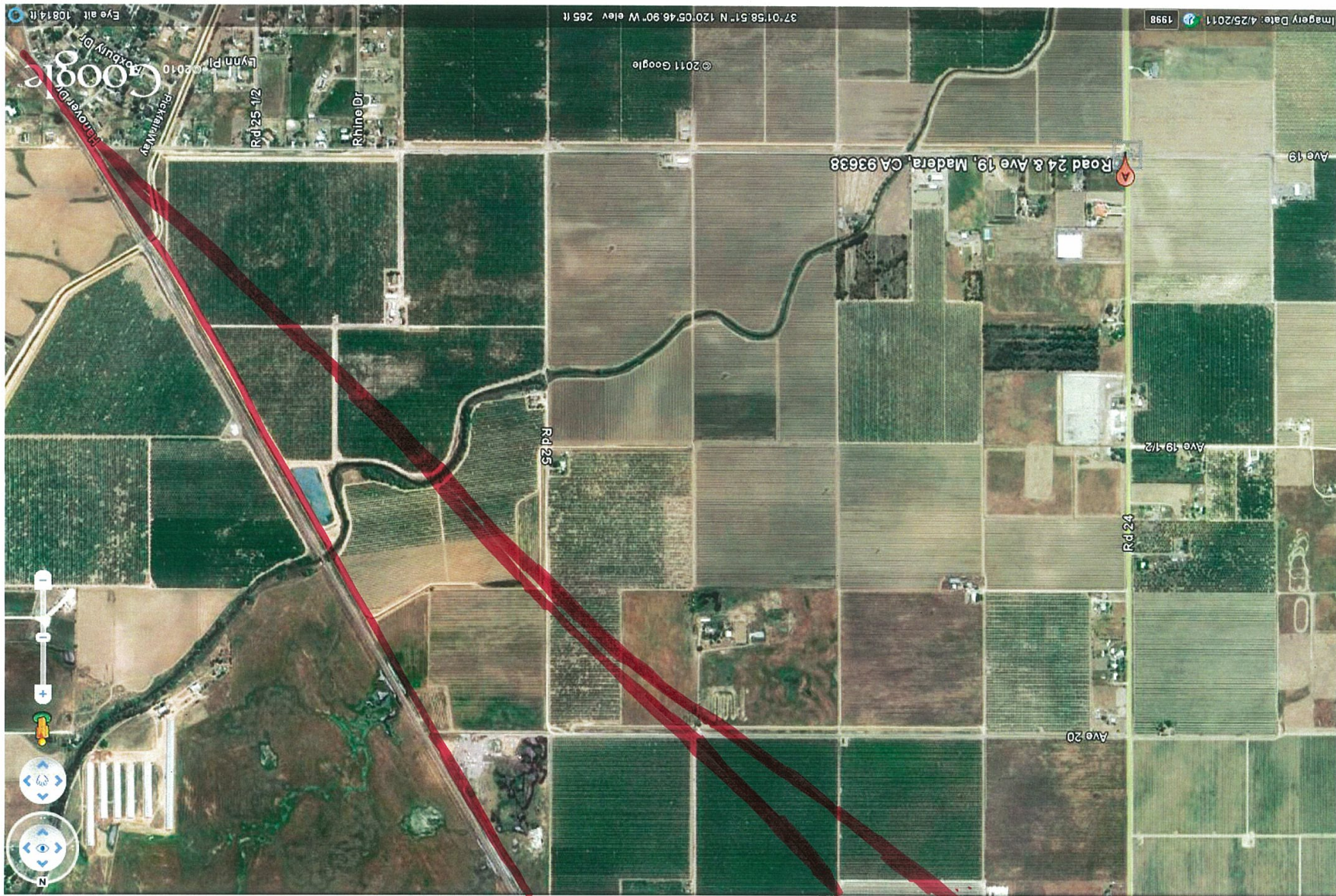
387-1

Response to Submission 387 (Nijjar Brothers, Nijjar Brothers Farms, LLC, September 30, 2011)

387-1

See MF-Response-GENERAL-4.

Attachment to Submission 387 (Nijjar Brothers, Nijjar Brothers Farms, LLC, September 30, 2011) - Nijjar Farms sketch.pdf



BNSF ALTERNATIVE
HYBRID ALTERNATIVE
BNSF ALTERNATIVE

Submission 842 (California Cotton Ginners/Growers Association Western Agricultural Processors Association, Nisei Farmers League, October 13, 2011)

RECEIVED

10-13-11P04:14 RCVD

October 5, 2011

Mr. Thomas Umberg, Chairman
California High Speed Rail Authority Board
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR/EIS Comments – Merced to Fresno Segment and Fresno to Bakersfield Segment

Dear Chairman Umberg:

On behalf of our growers and members, the groups listed below hereby submit the following comments regarding the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Merced to Fresno and Fresno to Bakersfield segments of the California High Speed Rail project. We submit these comments with utter disappointment that our request, and those of many other agricultural organizations and farmers, to extend the comment period has been completely ignored. As has been noted multiple times by many different sources, a 60 day comment period for a document that spans more than 30,000 pages is completely inadequate.

Our comments as they pertain to the EIR/EIS documents are as follows:

- I. Section 3.14.2A – The stated purpose of the Farmland Protection Policy Act of 1981 (FPPAA) is to “minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses.” The EIR/EIS document does not describe the manner in which the project is minimizing impact to farmland. Rather, the document alludes to creating conservation easements for existing farmland. Farmland is not something that can be created. Anytime farmland is destroyed, it cannot be replaced.
The document does not provide alternatives to the destruction of farmland, such as an alternate route along the Interstate 5 corridor or along the California Aqueduct. Specific proposals made by individual grower along the proposed route to minimize impact, for example, routing the train along the path of an existing road are also not addressed. The unwillingness of the High Speed Rail Authority to consider these options goes against the very idea of the FPPAA.
We continue to believe that the impact to agriculture will be much greater than what is described in the EIR/EIS document. Tens of thousands of the most productive farmland in the world will be rendered unfarmable and animal production facilities will see their production drop.

- II. Section 3.14.2C – This section lists the land use policies for agricultural lands within the affected counties. County and city codes within this section are consistent. The aim is to protect farmland from conversion to other uses. Kings County, in Table 3.14-1 of the Fresno to Bakersfield document, states that one of its land use goals is to “maintain large parcel sizes.” This is completely inconsistent with either of the proposed routes (west and east of Hanford), both of which would bisect large parcels.

- III. Section 3.13.3C – The EIR/EIS document references a project construction footprint, plus 100 feet, but does not state how large this footprint will be. The California High-Speed Train Project Final Report on the Visalia-Tulare-Hanford Station Feasibility Study stated that the width of the corridor is ¼ mile. Will the direct and indirect effects of the project impact landowners 1,420 feet from the rail line? If so, the impacts will be exponentially larger than the 3,600 acres described in the EIR/EIS documents, potentially tens of thousands of acres. This destruction of tens of thousands of acres of farmland will have NEPA and CEQA ramifications that are overlooked in these documents.

- IV. Section 3.14.4B – Page 3.14-29 of the Fresno – Bakersfield Section states, “Often, large farm owners only farm a portion of the land themselves; others farm none. Large farm owners hire agricultural management and specialized service firms (e.g., for pesticide application, bee pollinators, or harvesting.)” What is the basis for these statements? The first three sentences of the paragraph that follows the previous statement in the EIR/EIS makes no sense in the context and looks as though it was placed in the document to give the appearance that the author knows what he or she is talking about. Aerial applications do currently take place near existing railways. However, the existing railways do not have trains travelling at speeds of more than 200 mph. Applicants can see trains coming from a distance and halt the application until the train has passed. When trains are travelling at the speeds proposed by the high speed rail, an applicator will not have as much ability to halt an application without potentially having an issue with the high speed rail train.

- V. Section 3.14.5A – States that “No Project Alternative would result in substantial farmland conversion to accommodate anticipated growth that would occur without the proposed HST project.” This statement fails to take into account that more people would be likely to move to the Central Valley and commute to the Bay Area and Los Angeles with the HST than without, thereby creating more urban growth in agricultural regions.

- VI. Section 3.14.5A – States that there would be negligible wind effects to bees and adjacent farmland. Noise from HST operation would be unlikely (emphasis added) to affect confined farm animals. The threshold for NEPA impacts to animal husbandry operation is 85 decibels. The HST will produce sound at 100 feet of 83 decibels, just 2 decibels short of the threshold. If the HST is passing by every 5 minutes (as has been stated by HST representatives in multiple meetings), what effect will this repeated exposure to noise near the threshold have on milk and egg production? Are there any studies to corroborate your response?

Submission 842 (California Cotton Ginners/Growers Association Western Agricultural Processors Association, Nisei Farmers League, October 13, 2011) - Continued

- 842-7 VII. Section 3.14.5C – States that impacts during construction will be temporary because they will cease when construction is completed. This statement fails to take into account that permanent crops cannot be removed temporarily. You have to start from scratch and replant. Depending on the crop, it can take anywhere from 5 to 10 years for that crop to reach full production after planting. A dairy cannot be temporarily disturbed. Cows must still be fed and must still be milked. A farmer cannot just walk away from his dairy temporarily. He will be put out of business.
- 842-8 VIII. We continue to be disappointed that the questions and issues that we have brought before the Authority for the past year and a half remain unaddressed.
- 842-9
- Proposition 1A was presented to voters as a train that would follow existing transportation corridors. However, in many instances, this is not the case. The first section of route deviates from existing transportation corridors for 25 miles in Southern Fresno County to Corcoran in Kings County. It also deviates from existing corridors throughout Madera County.
 - Growers do not know the distance from the tracks from which farming practices must be kept. Documents from the HSR have discussed the possibility that growers will not be able to farm within ¼ mile of the rail route, which would render over 35,000 acres of land unfarmable between Fresno and Bakersfield. This would stand in stark contrast to the claims of HSR that only several hundred acres of farmland will be impacted along this route.
 - There is a severe impact to farm loans and farm value. Farming operations that are carrying loans often use land as collateral. Property that now has a train bisecting the farm is devalued, forcing farmers to have their loans reevaluated. Large, continuous parcels of land are also worth more than land that is broken into smaller pieces, a further devaluing of the property. Will growers be compensated for these impacts?
 - Land use is also affected as the rail deviates from existing corridors because it creates remnant parcels. What was once a continuous piece of ground has now been broken into parts separated by a rail line. This creates huge problems with regards to irrigation, land leveling, and parcels that are now landlocked, that is, land that is inaccessible to the owner. How will these impacts be addressed? These issues are only given cursory examination in the EIR/EIS document.
- 842-10
- Land owners that have prepared alternate solutions, at their own expense, were not given the initial opportunity to provide these options to the Authority. When these solutions were finally given an opportunity to be heard, land owners were told that the process was too far along for their voices to be heard. When will these concerns be addressed?

- 842-11
- There are grave concerns to our Valley's air quality that have not been addressed. The EIR/EIS document references the Environmental Protection Agency's 1-hour standard, which is no longer valid. We currently fall under the 8-hour standard. Furthermore, we do not believe that enough attention has been paid to the issue of the additional trips that will be created for property owners with land on both sides of the proposed routes. These landowners will be adding a significant number of miles to their daily activities. This results in extra fuel consumption, wear and tear to equipment, and time lost. In addition, the response time of emergency services will be greatly compromised with the reduction of roads because they are now separated by the rail line.
- 842-12
- 842-13
- 842-14
- How do you expect the state to finance this project when we are in a financial disaster? Please prove that vital services such public safety, schools, and roads will not be impacted. If your response is that private investors will finance the project, please provide names.
- We look forward to your prompt response to our concerns.
- Sincerely,
- California Cotton Ginners Association
California Cotton Growers Association
Fresno County Farm Bureau
Nisei Farmers League
Western Agricultural Processors Association
- cc: Governor Jerry Brown
Senator Dianne Feinstein
Congressman Kevin McCarthy
Congressman John Mica, Chair, House Committee on Transportation and Infrastructure
Congressman Bill Shuster
Congressman Dennis Cardoza
Congressman Jim Costa
Congressman Jeff Denham
Congressman Devin Nunes
State Senator Anthony Cannella, Chair, Senate Committee on Agriculture
State Senator Alan Lowenthal, Chair, Senate Subcommittee on High Speed Rail
Assembly Member Cathleen Galgiani, Chair, Assembly Committee on Agriculture and Assembly Committee on High Speed Rail
George Soares, Kahn, Soares, & Conway
Daniel Hartwig, Nisei Farmers League

Response to Submission 842 (California Cotton Ginners/Growers Association Western Agricultural Processors Association, Nisei Farmers League, October 13, 2011)

842-1

See MF-Response-GENERAL-7.

842-2

See MF-Response-GENERAL-2. All alternative feasible alignments in the Central Valley are likely to have significant and unavoidable farmland impacts. See also MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-1.

The Farmland Protection Act requires the consideration of measures that would avoid impacts on farmland. It does not, however, require that a project avoid all impacts on farmland. See also MF-Response-AGRICULTURE-8.

842-3

See MF-Response-LAND USE-2. The Visalia-Tulare-Hanford Station Feasibility Study characterized the width of the corridor at 0.25 mile and the text in the report reflects required right-of-way varies between 50 to 100 feet. The right-of-way requirements would result in direct impacts on agriculture lands by converting to a transportation related use. The other sections of the EIR/EIS including 3.3, Air Quality and Global Climate Change; 3.4, Noise and Vibration; 3.14, Agricultural Lands; and 3.16, Aesthetics and Visual Resources provide detail on the impacts beyond the project footprint and any mitigation to address the impacts.

842-4

See MF-Response-AGRICULTURE-5. The text in the Draft EIR/EIS is based on the HST Tour of Agricultural Lands that occurred on June 28, 2010 (Summary Report on file with Authority).

842-5

See MF-Response-GENERAL-3.

842-6

See MF-Response-AGRICULTURE-6 and MF-Response-NOISE-1.

842-7

See MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-6 and MF-

842-7

Response-GENERAL-4. All work is expected to occur in areas acquired for permanent right-of-way. No temporary use of your property would occur.

842-8

See MF-Response-GENERAL-2.

842-9

See MF-Response-AGRICULTURE-5, MF-Response-GENERAL-4, MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, and MF-Response-AGRICULTURE-4.

The HST will not impose restrictions on farming practices on adjoining properties. See the response to comment #799.

842-10

See MF-Response-GENERAL-2 and MF-Response-GENERAL-17.

842-11

The 8-hour Federal ozone standard as well as the 1-hour and 8-hour California ozone standards are addressed the EIR/EIS.

842-12

See MF-Response-TRAFFIC-2 for response to the comments regarding additional trip distances traveled to cross the HST track, and MF-Response-AIR QUALITY-4 for response to the related air quality aspects of this comment.

842-13

See MF-Response-S&S-3.

842-14

See MF-Response-GENERAL-18.

Submission 389 (Vartkais Dermenjian, North Machine Company, September 20, 2011)

Section my comments will address: BOTH Merced to Bakersfield & beyond

Good afternoon, thank you for hearing my comments;
My name is Vartkais Dermenjian
I represent North Machine Company,

A 100-year old company of engineers and manufactures that was established back in 1901
Currently, the company is in process of moving from Bay Area to Planada CA.

In my presentation I would like to identify and evaluate reasonable alternative that could
avoid or lessen negative environmental impact of the proposed High-Speed Rail effort,
Yet maintain an effective means of transportation.

389-1 Multiple stops consume a great deal of **ENERGY** as well as added **WEAR** and **TEAR** on the train
and its tracks.

By taking a page from the US Air Force, KC-135 air refuelers,

Trains can pick up passengers along the way without stopping at various points, similar to who
the KC-135 enables aircraft to refuel in the air without having to land.

This would be accomplished

By:

- 1 smaller electric sub stations
- 2 wear and tear reduction
- 3 Reduction of travel time to destination, by traveling the Main **Super-Train**
without stopping in any sub stations

Start from Sacramento & stop in San Diego California. Or vice versa)

By using American ingenuity and experience in other industries,

Enables this concept to **Super-Trains** by using existing technologies.

I hope to give me the opportunity to tell you more of this.

Thank you

Vartkais Dermenjian

And God Bless America

P.O. Box 933

Belmont, CA 94002-0933

(650) 430-6777

vartkais@live.com

Response to Submission 389 (Vartkais Dermenjian, North Machine Company, September 20, 2011)


389-1


The California HST system is based on proven high-speed train technologies in revenue service operations around the world. Currently, no feasible technology exists for passenger transfer as described in the comment.

Submission 861 (James O'Banion, O'Banion Ranches, October 13, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

 CALIFORNIA
High-Speed Rail Authority

 Comment Card
Tarjeta de Comentarios

10-17-11P01:52 RCVD

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) – **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/
Nombre: James O'Banion

Organization/
Organización: O'Banion Ranches

(Optional/Opcional)
Address/Domicilio: P.O. Box 127

Phone Number/
Número de teléfono: 209-387-4651

City, State, Zip code/
Ciudad, estado, código postal:
Doslalos, CA. 93620

Email address/
Correo electrónico: jobanion@dospalos.org

Chowchilla to Bay Area Route

861-1

I know that your previous EIR/EIS state
that there will be no adverse effect on the ability
of the farmers, along the route, to spray their
crops parallel to the proposed right of way. However,
with a high speed train passing through the area
every 8 to 12 minutes at 200 MPH + or - there is
going to be turbulence in the air which may
cause an inversion layer.

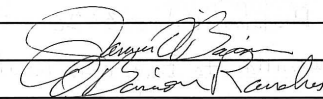
Pesticide rules and regulations would prohibit
the spraying of crops with an inversion layer.
(OVER)

861-1

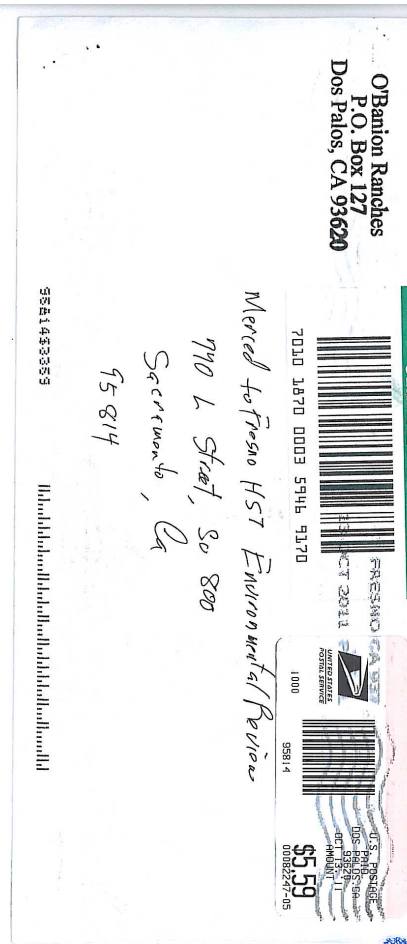
These rules are regulated by the Ag Commission
office. I would advise you to check with
these County officers for their rules on
inversion layer problems. Do you have
ways to alleviate this problem?

We have no documents that address
this inversion layer that would be caused
by the high speed train. There are no
documents that address spray drift caused
as well. This needs to be addressed.

The farmers do need to be allowed to
continue farming as usual.


O'Banion Ranches

Submission 861 (James O'Banion, O'Banion Ranches, October 13, 2011) - Continued



Response to Submission 861 (James O'Banion, O'Banion Ranches, October 13, 2011)

861-1

See MF-Response-AGRICULTURE-5.

Submission 713 (Christopher L. Campbell, Olam Farming, Inc (Attny for), Baker Manock
& Jensen PC, October 13, 2011)

Baker Manock
& Jensen PC
ATTORNEYS AT LAW

October 13, 2011

California High Speed Rail Authority &
Federal Railroad Administration
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814
merced_fresno@hst.ca.gov

Re: Olam Farming, Inc.'s Comments on Merced to Fresno
Draft EIR/EIS

To Whom It May Concern:

Please accept the following comments on behalf of our client Olam Farming, Inc.
in response to the California High-Speed Train ("HST") Project Draft Environmental Impact
Report/Environmental Impact Statement ("Draft EIR/EIS") made available for public comment
on August 15, 2011.

I.
INTRODUCTION

Olam Farming, Inc. is a wholly owned subsidiary of Olam Americas, Inc., with its
headquarters in Fresno, California. Olam Farming, Inc. owns approximately 6,800 acres of
agricultural land in Central California. Most of the property is planted to almonds and the
remaining 2,200 acres is dedicated to almond development. Olam Farming, Inc. has made
significant long term investments in permanent crops and facilities in the Central Valley. Olam
Farming, Inc.'s investments are based on the understanding that the State of California values
and will protect prime agricultural land.

Our comments are limited to the Merced to Fresno Section of the HST system at
the project level (the "Project"). This Draft EIR/EIS describes a No Project Alternative, three
HST alignments (with design options), HST stations, and five heavy maintenance facilities. The
North-South Alignment Alternatives include the UPRR/SR 99 Alternative, the BNSF
Alternative, and the Hybrid Alternative. It is our understanding that the Avenue 21, Avenue 24
and SR 152 Wye options will be discussed and considered in the Merced to San Jose Draft
EIR/EIS that is to be released early 2012. We will provide any additional comments when that
EIR/EIS is released.

After considering public comments, the California High Speed Rail Authority (the
"Authority") and the Federal Railroad Administration ("FRA") will prepare a Final EIR/EIS that

1020603v1 / 17043.0012

Christopher L. Campbell
Attorney at Law
ccampbell@bakermanock.com

Fig Garden Financial Center
5260 North Palm Avenue
Fourth Floor
Fresno, California 93704
Tel: 559.432.5400
Fax: 559.432.5620
www.bakermanock.com

October 13, 2011
Page 2

will select the "Preferred Alternative." The Preferred Alternative must be the one that best
fulfills the purpose, need, and agency objectives for the Project while balancing impacts to the
natural and human environment. In choosing the Preferred Alternative, the Authority and FRA
must weigh and compare the potential adverse environmental impacts, and the physical and
operational characteristics of each alternative HST alignment.

Olam Farming, Inc. finds that the Merced to Fresno BNSF Alternative is
unacceptable because it has the greatest potential adverse environmental impacts on the human
environment (land use and community impacts, and farmlands and agriculture) and on the
natural environment (hydrology and water resources, and biological resources and wetlands). In
addition, the physical and operational characteristics of the BNSF Alternative are clearly inferior
to the other alternatives because the BNSF Alternative requires additional capital cost and
increases travel time. Although there are a variety of design options within the BNSF
Alternative, we do not discuss those differences in detail because we believe that all BNSF
Alternative design options are environmentally inferior to the other alternatives.

II.
ARGUMENT

A. The BNSF Alternative Causes Greater Impacts Than The Other Alternatives On
Agricultural Land.

1. The BNSF Alternative Causes More Impacts on Important Farmland and
Williamson Act Land.

The Merced to Fresno Draft EIR/EIS states that the Statewide Program EIR/EIS
(Authority and FRA 2005) concluded the project "would have a significant impact on
agricultural lands...." (Draft EIR/EIS p. 3.14-1.) The two key questions for agricultural impacts
are the quality and potential productivity of the land affected, and the amount of each type of
land affected. Important Farmland is defined in the Draft EIR/EIS to include prime farmland,
farmland of statewide importance, unique farmland, and farmland of local importance. (Draft
EIR/EIS Table S-4, p. S-38.) These are individually defined by the California Legislature.

An important overlay category is agricultural land subject to Williamson Act
contracts. The California Legislature passed the Williamson Act to preserve agricultural and
open space lands by discouraging premature and unnecessary conversion to urban uses. The
Williamson Act allows Counties to designate agricultural preserves. Those preserves represent
large contiguous areas of agricultural land that the County desires to maintain in production
agriculture. Within the preserves, private landowners are allowed to contract with the County to
voluntarily restrict their land to agricultural and compatible open-space uses in exchange for
reduced property taxes.

1020603v1 / 17043.0012

Submission 713 (Christopher L. Campbell, Olam Farming, Inc (Attny for), Baker Manock & Jensen PC, October 13, 2011) - Continued

October 13, 2011
Page 3

713-2

The BNSF Alternative will negatively affect the most acres of Important Farmland and of Williamson Act Land of the three alternatives. The North-South Alignment of the BNSF Alternative would permanently impact 835 to 900 acres of Important Farmland. (Draft EIR/EIS Table S-4, p. S-35.) This is one and a half times more land than the UPRR/SR 99 Alternative will impact. (*Ibid.*) Furthermore, the BNSF Alternative will affect between 182 to 282 acres of Williamson Act Land. (*Ibid.*) This is three times more Williamson Act Land than the UPRR/SR 99 Alternative will affect. (*Ibid.*) Therefore, the BNSF Alternative directly impacts more of the higher quality agricultural land that has the potential to be the most productive.

The BNSF Alternative also destroys more total acres of agricultural land including Important Farmland and Williamson Act land than the UPRR/SR 99 and Hybrid Alternatives. The BNSF Alternative will disturb 1,396 to 1,526 acres of agricultural lands, depending on the design option. (Draft EIR/EIS Table 3.7-19, p. 3.7-76.) This is up to 412 acres more than that impacted by the UPRR/SR 99 Alternative. (Draft EIR/EIS Table 3.7-17, p. 3.7-74.)

713-3

2. The BNSF Alternative Severs More Agricultural Land and Causes More Road Closures Than Any Other Alternative.

Severance of farmland into smaller, and often oddly shaped, parcels by the tracks running through the parcels has adverse impacts on agriculture that far exceed the amount of agricultural land that is directly affected.

The BNSF Alternative would sever more farmland than any other alternative because more of the BNSF Alternative guideway diverges from existing major transportation corridors. (Draft EIR/EIS p. S-19.) Dividing parcels of property, such as those owned by Olam Farming, Inc., makes it very difficult or impossible to farm the remaining parcels. For example, the Le Grand bypass design option would divide one of Olam Farming, Inc.'s almond orchards. The property left on the southwest side of the tracks will be isolated between the HST tracks and the BNSF tracks, and there may not be road access to cross the HST tracks for up to two miles. As a result, Olam Farming, Inc. will essentially lose that parcel of land because it will not be cost-effective to farm. Although it becomes essentially worthless for farming, the Authority and FRA will not likely condemn the property because it is not technically landlocked. Stranding this previously productive farmland not only costs Olam Farming, Inc. money, it means that they will produce less almonds. This is just one example of one farming company suffering because of land severance. Taking those trees out of production may not seem like a great loss, but when the increased costs and lost production are multiplied by all of the farmlands severed and many small parcels rendered useless, it creates a great adverse impact to the entire agricultural industry that directly or indirectly employs almost half the people in the San Joaquin Valley.

713-4

The BNSF Alternative not only causes the most severance of farmlands, but will also cause more road closures than any other alternative. The BNSF Alternative will pass

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October 13, 2011
Page 4

713-4

through more rural areas where local roads, used by both passenger vehicles and farm equipment, cross the BNSF railroad at-grade. According to the Draft EIR/EIS, the BNSF Alternative will cause 27 to 42 permanent road closures in the Merced, Chowchilla, and Madera areas. These road closures will dramatically increase farming costs, air pollution and traffic hazards. Farmers who must drive substantial additional distances to reach their farms and to move equipment from field to field will have to choose between creating these adverse environmental impacts or giving up their fields. As a result of road closures a number of currently productive parcels will no longer be viable for profitable farming.

The Draft EIR/EIS asserts that these road closures are "moderate" under National Environmental Protection Act ("NEPA") standards and "significant" under California Environmental Quality Act ("CEQA") standards before mitigation. The Authority states the road closures associated with the Project would be dispersed and detours to alternative routes would be approximately every two miles, so regional access for agricultural operations is not expected to be restricted. Because the Authority and FRA plan to allow a vague unspecified "access maintenance for property owners" as a mitigation measure, they state the CEQA level of significance after mitigation will be reduced to "less than significant", and the effects of the road closures will be "negligible" under NEPA. (Draft EIR/EIS pp. 3.2-127, 3.12-54.) These conclusions are simply incorrect for the BNSF Alternative.

CEQA Guidelines Section 15382 defines the term "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance." The BNSF Alternative divides numerous parcels of agricultural property and makes it extremely difficult to farm efficiently, if at all, with road access only every two miles. These effects remain "significant" after proposed mitigation measures. The road closures are not "negligible" or "less than significant" to those farmers that need to access their property that is divided by the HST system. Driving farm equipment two miles just to get to the other side of the tracks creates inefficient and problematic farming practices. Furthermore, it is dangerous to have large harvesting and farming equipment on narrow rural roads and, with the road crossings only every two miles, they will have to travel even longer distances on those roads. All the extra miles travelled by off road farm equipment will contribute to substantial air emissions in a basin that annually struggles to meet ambient air quality standards. The only way to avoid the adverse effects of the road closures is to choose a superior alternative. The BNSF Alternative is not the superior alternative!

In comparison to the BNSF Alternative, the UPRR/SR 99 Alternative will cause fewer road closures because of its extensive elevation adjacent to the UPRR and SR 99. Depending on the design option, the UPRR/SR 99 Alignment only has 10 to 15 proposed road closures. SR 99 has already caused, and the neighboring landholders have absorbed, many impacts of severing land and creating elevated crossings. Therefore, much less acreage would be adversely impacted by severance from larger parcels and there would be minimal new road

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Submission 713 (Christopher L. Campbell, Olam Farming, Inc (Attny for), Baker Manock & Jensen PC, October 13, 2011) - Continued

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closure issues with the UPRR/SR 99 Alternative as opposed to the BNSF Alternative. The access problems caused by the HST would also be limited because the neighboring landowners have already made adjustments to the SR 99. The significant number of road closures and elevated crossing problems created by the BNSF Alternative in excess of the amounts created by the other alternatives clearly demonstrates that the BNSF Alternative is an inferior alternative and should not be selected as the Preferred Alternative.

713-5

3. Ancillary Impacts on Agricultural Practices Cause Increased Costs.

The Draft EIR/EIS does not consider a number of ancillary farming impacts caused by the HST system. For instance, the HST right-of-way will also impair certain existing agricultural practices. Farmers will have to take extra precautionary measures for spraying and harvesting their crops on parcels adjacent to the HST right of way. These extra costs are a continuing cost impact on the affected landowners. Moreover, basic farming practices, such as having room to turn a tractor around at the end of a row, are not considered within the Draft EIR/EIS. Such farming practices are necessary for production agriculture and should be considered as an impact on agricultural lands. As the BNSF Alternative affects the most agricultural lands, it will likely cause the most of these ancillary impacts on agricultural practices. The Authority and FRA will have to consider paying farmers for the loss of this land as well.

Ancillary farming impacts will also increase the cost of the HST system. For example, when the remnant portion of an acquired parcel beyond the right-of-way is too small to sustain current use without other modifications, the Authority and FRA state it would be acquired. (*Id.* at p. 3.1-5.) The cost of acquiring this additional property is not considered as part of the BNSF Alternative. As discussed below, this additional cost is one of many that should preclude choosing the BNSF Alternative as the Preferred Alternative.

713-6

B. The BNSF Alternative Biological Impacts Are Unacceptable.

1. The BNSF Alternative Causes More Harm To Jurisdictional Waters, Vernal Pools, and the Great Valley Conservation Bank Than Any Other Alternative.

Jurisdictional waters are considered sensitive natural communities due to their relative scarcity and importance in sustaining biological resources. These waters are regulated by the U.S. Army Corps of Engineers ("Corps").

The BNSF Alternative would have a substantial effect on jurisdictional waters. (Draft EIR/EIS, p. S-19.) The biological resources and wetlands habitat study area for the BNSF Alternative crosses vernal pools and other seasonal wetlands as well as several natural watercourses, including perennial rivers, intermittent or ephemeral streams, and named and unnamed constructed watercourses. (Draft EIR/EIS p. 3.7-37.) The prevalence of relatively undisturbed vernal pools and other seasonal wetlands in the natural and seminatural grassland

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communities along the BNSF Alternative provides potentially suitable habitat for several plant and animal species. (Draft EIR/EIS p. 3.7-35.)

Because of the greater amount and relatively higher quality of California annual grassland and vernal pool habitat associated with the BNSF Alternative, there is likely to be more special-status species dependent on the habitat types along this alternative, as compared to the other alternatives. (*Ibid.*) The BNSF Alternative will also adversely affect riparian habitat, other sensitive natural communities, and federally-protected wetlands. (Draft EIR/EIS p. 3.7-48.)

Furthermore, the BNSF Alternative contains more vernal pools and other seasonal wetlands than the UPRR/SR 99 and Hybrid Alternatives. (Draft EIR/EIS p. 3.7-88.) Nine to 13 acres of vernal pools and other seasonal wetlands will be permanently destroyed by the BNSF Alternative. (Draft EIR/EIS Table S-4, p. S-33.) The UPRR/SR 99 Alternative, however, would only impact one acre of vernal pools and other seasonal wetlands. (*Ibid.*) In addition, most of the BNSF Alternative's design options will have greater effects on waters under the Corps' jurisdiction than the UPRR/SR 99 or Hybrid Alternatives. (Draft EIR/EIS p. S-19.) The BNSF Alternative will impact more than twice as many acres of vernal pools and other seasonal wetlands than the Hybrid Alternative would, and more than five times as many as the UPRR/SR 99 Alternative. (*Ibid.*) For these reasons alone, the BNSF Alternative is the inferior alternative.

Unlike the other alternatives, the BNSF Alternative also permanently affects both the Camp Pashayan conservation area and Great Valley Conservation Bank (a mitigation bank). (Draft EIR/EIS p. S-19.) Even after proposed mitigation measures are implemented, the impacts of the BNSF Alternative on critical habitat, the Great Valley Conservation Bank, and Camp Pashayan remain "significant" under application of the CEQA Guidelines. (Draft EIR/EIS Table 3.7-30, p. 3.7-143.) This is unacceptable.

713-7

2. The BNSF Alternative Will Not Comply With the Requirements of the Clean Water Act Section 404(b)(1) Guidelines Due to Substantial Impacts to Waters of the U.S., Including Wetlands.

The Authority and FRA are required to get Clean Water Act ("CWA") Section 404 permits for discharge of dredge or fill materials into water of the U.S., including wetlands, from the Corps. In a letter to the Authority dated June 14, 2011, the Corps stated, "Although we agree the BNSF (A1) alternative . . . can be carried forward, we note th[is] alternative [is] not likely to comply with the requirements of the 404(b)(1) Guidelines ("Guidelines") due to substantial impacts to waters of U.S., including wetlands." The Corps pointed out that based on the "Checkpoint B" materials provided to them and the February 2011, *Draft Wetlands Delineation Report: Merced to Fresno Section*, the BNSF Alternative contains "a substantial number of vernal pools (19.5 acres), seasonal wetlands (21.8 acres), vernal pool critical habitat, and agricultural impacts, not present within the other alignments." (Letter to California High Speed Rail Authority dated June 14, 2011.) The Corps further stated that since it had been

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shown that there are other practicable alternatives, which have fewer impacts to the aquatic ecosystem, the Corps would have to permit those alternatives over the BNSF Alternative. (*Ibid.*)

In a letter to the FRA and the Authority dated June 24, 2011, the United States Environmental Protection Agency ("U.S. EPA"), Region IX, agreed with the Corps' analysis that the BNSF Alternative would likely have CWA Section 404 permitting challenges due to the aquatic resource impacts.

Therefore, construction of the BNSF Alternative is impractical due to its biological impacts. Selecting this alternative as the Preferred Alternative would be unwise and contrary to the Corps' and U.S. EPA's recommendation because there are two superior alternatives. Furthermore, it is unlikely the Corps and U.S. EPA will allow the BNSF Alternative to be built due to its significant biological consequences.

713-8

3. The BNSF Alternative Will Have a Substantial Effect on Special-Status Plant Communities.

The BNSF Alternative will have a substantial effect on special-status plant communities and cause more biological damage than the other alternatives. (Draft EIR/EIS p. S-19.) The BNSF North-South Alignment alone would temporarily disturb 186 to 210 acres of habitat with the potential to support special-status plant species. (Draft EIR/EIS Table S-4, p. S-31.) In contrast, the UPRR/SR 99 Alternative would only temporarily disturb 60 to 65 acres. (*Ibid.*) This is up to three and one-half times less than the BNSF Alternative. In addition, permanent conversion of habitat with potential to support special-status plant species will range from 322 to 409 acres along the BNSF Alternative. (*Id.* at p. S-32.) The UPRR/SR 99 Alternative is less biologically intrusive because it would only convert approximately half as many acres of habitat. (*Ibid.*)

The BNSF Alternative affects the most special-status plant species and the most critical habitat of the three alternatives. This means there is more significantly impacted land along the BNSF Alternative than the other alternatives. This makes the UPRR/SR 99 and the Hybrid Alternatives biologically superior alternatives to the BNSF Alignment.

713-9

C. The Cost of the BNSF Alternative is Going to Greatly Increase Due to Mitigation Measures.

The Authority finds the BNSF Alternative desirable because it appears to be the least expensive alternative. Instead of having to work around structures and above-grade crossings, most of the BNSF Alternative goes through agricultural land. This agricultural land is already at-grade. According to the Draft EIR/EIS, fewer raised crossings will need to be constructed over this at-grade land. This conclusion assumes that all of the planned road closures are acceptable. We, however, do not agree that all of the road closures are acceptable.

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713-9

As previously discussed, allowing crossings only every two miles is unrealistic for farming practices.

What the Authority is not considering in estimating the cost of the BNSF Alternative is the immense sum of mitigation expenses it will incur if the BNSF Alternative is selected as the Preferred Alternative. The vast amounts of special-status plant communities, critical habitat, listed species, wildlife, vernal pools and wetlands that will be destroyed by the BNSF Alternative will require numerous biological mitigation measures. These measures may include conducting studies, writing reports and monitoring plans, hiring consultants, buying additional land, and paying into an established mitigation fund to mitigate the damages caused by the BNSF Alternative.

Mitigation costs are not small. In general, the ratio is 3:1 for mitigation to affected biologically significant land. This means that the Authority would have to purchase the land needed for the BNSF Alternative, then purchase three times more land to offset the biological impacts to that land. This does not include the additional money the Authority will have to pay for permitting management and monitoring for the significant acreage of off-site mitigation land. Furthermore, mitigation measures for impacts to jurisdictional wetlands are even more costly than mitigating impacts on areas of general biological sensitivity. For example, securing one acre of off-site mitigation for damaging jurisdictional wetlands can cost hundreds of thousands of dollars.

The Authority and FRA will have to multiply these hundreds of thousands of dollars by the 19.5 acres of vernal pools and 21.8 acres of seasonal wetlands that the BNSF Alternative will impact. (Letter to California High Speed Rail Authority dated June 14, 2011.) Following the 3:1 ratio, the Authority will have to purchase over 87 acres of land in order to build the HST tracks through 21.8 acres. To add to the cost, the Authority and FRA will have to mitigate the portion of the Great Valley Conservation Bank that only the BNSF Alternative will destroy. This will increase mitigation expenses greatly. The BNSF Alternative's biological mitigation measures will require more consultants, more time, and more money to implement than any other alternative. This will drastically increase the cost of the BNSF Alternative and potentially cause significant construction delays.

Furthermore, the mitigation measures outlined by the Authority and FRA are vague. For example, Bio-MM #57 is "compensate for permanent impacts on jurisdictional waters." (Draft EIR/EIS Table 3.7-30, p. 3.7-144.) As previously mentioned, compensation may include both monetary and regulatory obligations. This alone, could increase the cost of the BNSF Alternative greatly and this cost increase is not accurately identified in the Draft EIR/EIS.

Another mitigation measure includes "work stoppage." Mitigation measures like this will also add to the amount of construction time it will take to build the HST system. With the vast number of special-status species that may be present along the BNSF Alternative, construction delays could be endless.

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These examples of mitigation measures identified in the Merced to Fresno Draft EIR/EIS do not show how costs of such mitigation measures will change the actual cost of each proposed alternative. Although portrayed as the most cost efficient alternative of the three, the cost of the BNSF Alternative is going to greatly increase due to the expense of biological mitigation measures. Because the BNSF Alternative requires more mitigation than any other alternative for jurisdictional waters, seasonal wetlands and special-status plant species, the BNSF Alternative's biological mitigation measures will certainly cost more than any other alternative.

For these reasons, we discourage the Authority and FRA from selecting the BNSF Alternative as the Preferred Alternative. The BNSF Alternative requires the most biological mitigation measures and is the least preferable of the three alternatives.

713-10

D. The BNSF Alternative Results in a Longer Travel Time.

Depending on the design option chosen, the BNSF Alternative will be approximately two to nine miles longer than the UPRR/SR 99 Alternative. (Draft EIR/EIS, p. S-19.) This increase in length will also result in a longer travel time. (*Ibid.*) The Authority has specific requirements as to the amount of time it takes the HST to get from one city to another. The Authority must consider this increase in travel time when determining which alternative is the Preferred Alternative. Because the BNSF Alternative is the longest route and will have the slowest travel time of the three alternatives for the Merced to Fresno section, it is the least preferable alternative of the three.

**III.
CONCLUSION**

The BNSF Alternative directly affects more agricultural land and causes more road closures than either the UPRR/SR 99 or the Hybrid Alternatives. It also has the greatest negative effect on jurisdictional waters, wetlands, and special-status plant species. For these reasons alone, the Corps and U.S. EPA have advised the Authority and FRA that they will not likely support the BNSF Alternative. There are superior alternatives available.

Furthermore, due to the greater number of biological impacts along the BNSF Alternative, there will be more substantial mitigation measures, significant costs and significant but unpredictable construction delays associated with the BNSF Alternative than the other two alternatives. The Authority and FRA will be required to purchase more land for off-site mitigation and this will drastically increase the cost of the BNSF Alternative. The mitigation measures analyzed in the Draft EIR/EIS are vague and do not make these costs associated with the mitigation measures obvious.

Finally, the BNSF Alternative requires the longest route and the most travel time of the three alternatives in the Merced to Fresno section.

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Therefore, we insist that the Authority and FRA not select the BNSF Alternative as the Preferred Alternative in the Final EIR/EIS because there are environmentally superior alternatives available. The BNSF Alternative is inferior to the UPRR/SR 99 and Hybrid Alternatives.

Thank you for your consideration.

Very truly yours,


Christopher L. Campbell
BAKER MANOCK & JENSEN, PC

CLC:LDL

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Response to Submission 713 (Christopher L. Campbell, Olam Farming, Inc (Attny for), Baker Manock & Jensen PC, October 13, 2011)

713-1

See MF-Response-GENERAL-10. Please also see Final EIR/EIS Chapter 7.0 for a description of the Preferred Alternative.

713-2

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-7, and MF-Response-GENERAL-8.

713-3

See MF-Response-AGRICULTURE-2 and MF-Response-AGRICULTURE-3.

713-4

See MF-Response-AGRICULTURE-2, MF-Response-AQ-4, MF-Response-TRAFFIC-2, and MF-Response-GENERAL-10.

713-5

See MF-Response-AGRICULTURE-5. With regard to turning movements, the Authority and FRA understand that new turning rows may need to be created along the alignment, but turning rows do not convert farmland. Economic consequences from new turning rows (e.g., lost productivity) can be addressed during acquisition - see MF-Response-GENERAL-4. With regard to costs, current estimates are based on the proposed right-of-way acquisition area including small remainder parcels. Also see MF-Response-AGRICULTURE-3.

713-6

See MF-Response-BIO-1 and MF-Response-BIO-3.

713-7

The project requires Clean Water Act (CWA) compliance and CWA 404 permits. In order for these permits to be issued, the United States Army Corps of Engineers (USACE) requires that the project represent the least environmentally damaging practicable alternative (LEDPA). As part of the determination of the LEDPA, the project must go through the NEPA environmental review process. Once the purpose and need have been determined and detailed study alternatives developed, which were included in

713-7

Chapter 2 of the EIR/EIS, the impacts were analyzed and circulated for public comment. It is at this point that the HSR Project is received feedback on the evaluation of alternatives presented in the EIR/EIS from the public, environmental resources and regulatory agencies.

This is one aspect of the process by which the USACE will identify the LEDPA. The Section 404 permit will be issued for the LEDPA, effectively eliminating the other alternatives analyzed in the EIR/EIS and will include substantive conditions which in turn will minimize impacts to biological resources within the Study Area.

713-8

See MF-Response-BIO-4.

713-9

See MF-Response-BIO-3. As discussed in Chapter 5 of the EIR/EIS, mitigation costs are included in cost estimates.

713-10

See MF-Response-GENERAL-10. Travel time was one of several factors considered in selection of a preferred alternative. As stated in EIR/S Section 7.4.4, Ridership and Revenue/Travel Times/Travel Conditions, the BNSF Alternative would have the same travel time as the Hybrid Alternative between San Francisco and Los Angeles, but otherwise it would take as much as 4 minutes longer than the other two alternatives.

Submission 629 (Craig Farmer, Orion Farming, October 12, 2011)

Orion Farming
P O Box 700
Chowchilla, CA 93610

Oct. 10, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814
Re: EIR/EIS Comments

629-1

Following are some of the impacts I face on my owned as well as leased farming properties if the Avenue 24 alternative is adopted:

- The closing of Road 8, 9, or 10 will create additional field travel cost to me for a minimum of 2mi./trip at .50/mile for at least eight trips/day. Add to this a 3.5 economic multiplier. Increased travel time must also be computed to assess employee compensation for this increased activity. Wear and tear on equipment will escalate, and I will have to retrofit machinery to make it safe for use on Road 9 and Road 10 overcrossings plus bear the added expense of providing pilot and chase vehicles.
- The Ave 24 alignment blocks private service roads essential for access to my farm fields.
- I will have to change ATVs (which fall under the Animal Husbandry Law) to Road Legal Vehicles which will require all employees to have California Drivers Licenses and necessitate additional safety meetings and higher insurance premiums. These vehicles will also generate more emissions detrimental to Air Quality.
- The Ave. 24 Alternative will sever water delivery systems, both private and from the Chowchilla Water District. Irrigation availability and timing is critical for our crops' viability. Who assumes the cost and mitigation for this disruption and how long will the transition take to establish satisfactory service?
- Has HSR coordinated with our local water and soil conservation agencies to mitigate disruption to their local plans?
- How will the loss of irrigation wells be valued? How will replacement be assured without temporary or permanent loss of water supply? (Wait time currently for well drilling is a year or more.)

629-2

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629-3

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629-4

- By putting the rail on a berm at grade level, specifically how will adjacent fields and floodplains be addressed for drainage? Where does the authority plan to get the soil to build the berm as well as overcrossings?

629-5

- My return system on Road 9 will be taken out by the crossing on Ave. 24. Specifically how will you mitigate the loss of the use of that drainage control system?

629-6

- Has HSR computed the amount of transient dust generated by these high speed trains? What is the hazard of introduction of noxious weed seed?

629-7

- The increased traffic on Road 9 will create safety issues for my family and business as well as the rapid deterioration of the road bed which is not designed for a heavier traffic load. How specifically will this be mitigated?

629-8

- Vibration from train passage will create ongoing damage to pipelines, wells, buildings and deep rooted permanent crops. Will stray voltage affect nearby pump motors, etc? What are the numbers of daily trips and the frequency of their passage? Have these issues been fully assessed?

629-9

- An associate experienced significant loss to a tomato crop planted by Castle Air Force Base due to either noise or vibration from aircraft landings and take-offs. Has HSR researched such potential damage from the High Speed train which has been likened to the passage of a 747?

- Finally and most important, HSR will jeopardize my ability to farm at a profitable level in order to assure that the farming business will be passed to my next generations.

Thank you for your consideration.

Craig Farmer
Craig Farmer
14110 Spyglass Circle
Chowchilla, CA 93610

Orion Farming
P O Box 700
Chowchilla, CA 93610

CF Land, L.L.C.
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Chowchilla, CA 93610

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Response to Submission 629 (Craig Farmer, Orion Farming, October 12, 2011)

629-1

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-4, and MF-Response-AQ-4.

629-2

With regard to district facilities, see MF-Response-WATER-1 and with regard to on-farm irrigation systems, see MF-Response-AGRICULTURE-4. The Authority has met with many local agencies and interest groups over the past 4 years – see EIR/EIS Table 8-1 for a detailed list.

629-3

See MF-Response-WATER-2.

629-4

See MF-Response-WATER-2.

629-5

See MF-Response-AQ-1.

Fugitive dust generation from the HST project is fully analyzed in Section 3.3 Air Quality of the EIR/EIS. Although the majority of the HST alternatives are located in non-native habitat and culturally disturbed, cultivated and developed areas there are some adjacent native plant communities that could be subject to non-native adventitious weed seed that could colonize otherwise native plant communities. These indirect effects may be realized during construction as areas are disturbed and weed seed dispersed. The effect is the colonization of weeds in the native areas potentially reducing or otherwise impacting functions and values. This effect is described in Section 3.7 of the EIR/EIS in a bullet item "Other project period environmental effects. Also, Biology mitigation measure Bio-MM#4 in the EIR/EIS addresses and mitigates this potential impact.

629-6

Increased traffic is not anticipated on Road 9. Under the Ave 24 Wye, Road 8, Road 9, and Road 10 would remain open and would continue to carry similar amounts of traffic as they do today and would, therefore, not create safety concerns. No mitigation to improve the road bed would be required, as traffic volumes would not be expected to

629-6

increase. See MF-Response-GENERAL-16 regarding the decision on the wye.

629-7

With regard to vibration effects to on-farm infrastructure, see discussion in Chapter 3.4 (Noise and Vibration) - impacts would be negligible with regard to the resources analyzed. With regard to vibration effects on deep-rooted permanent crops (e.g., orchards), see MF-Response-NOISE-5. Orchards are not listed as a vibration-sensitive land use in FRA's *High-Speed Ground Transportation Noise and Vibration Impact Assessment* (FRA 2005). The highest projected HST vibration level for receptors outside the proposed alignment is approximately 75 VdB. Damage to the most fragile buildings doesn't start to be a concern until about 90 VdB. Because trees are less rigid than fragile buildings, we expect that any vibration-induced damage to trees would require vibration levels much higher than 90 VdB. There would be no "electrolysis" impacts - see discussion of negligible impacts from stray currents and design standards in Section 3.5, Electromagnetic Fields and Electromagnetic Interference. This analysis was performed based on the general operation schedule described in Draft EIR/EIS Section 2.6.1, HST Service, and Appendix 5-A, Operations and Service Plan.

629-8

See MF-Response-NOISE-5.

629-9

See MF-Response-GENERAL-4.

Submission 576 (Dale Overbay, Pacific Gas & Electric Co., October 12, 2011)

Merced - Fresno - RECORD #576 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/12/2011
Submission Method : Website
First Name : Dale
Last Name : Overbay
Professional Title : Land Agent
Business/Organization : Pacific Gas & Electric Co.
Address :
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City : Fresno
State : CA
Zip Code : 93710
Telephone : 559-263-7372
Email : dwo4@pge.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

Dear California High-Speed Rail Authority:

Thank you for the opportunity to review the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed High-Speed Train Project for the Merced to Fresno Section. Pacific Gas and Electric Company (PG&E) has the following comments to offer regarding the proposed project.

Cost and Planning

The California High-Speed Rail Authority (Authority) would be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because PG&E utility relocations require long lead times and are not always feasible, the Authority is encouraged to consult with PG&E early and often during the planning and design phases of the High-Speed Train project.

California Public Utilities Commission

Section 3.6 (Public Utilities and Energy) of the Draft EIR/EIS should include General Order 131-D mandated by the California Public Utilities Commission (CPUC) for the proposed rail project.

General Order 131-D

PG&E is subject to the jurisdiction of the CPUC and must comply with CPUC General Order 131-D on the construction, modification, alteration, or addition of all electric transmission facilities (i.e., lines, substations, switchyards, etc.). In most cases where PG&E's electric facilities are under 200 kV and are part of a larger project (e.g., electric generation plant), G.O. 131-D exempts PG&E from obtaining an approval from the CPUC provided its planned facilities have been included in the larger project's California Environmental Quality Act (CEQA) review, the review has included circulation with the State Clearinghouse and review by the CPUC, and the project's lead agency (e.g., Authority) finds no significant unavoidable environmental impacts. PG&E or the Authority may proceed with construction once PG&E has filed notice with the CPUC and the public on the project's exempt status, and the public has had a chance to protest PG&E's claim of exemption. If PG&E facilities are not adequately evaluated in the larger project's CEQA review, or if the project does not qualify for the exemption, PG&E may need to seek approval from the CPUC (i.e., Permit to Construct), taking as much as 18 months or more since the CPUC would need to conduct its own environmental evaluation (e.g., Environmental Impact Report).

When PG&E's transmission lines are designed for immediate or eventual operation at 200 kV or more, G.O. 131-D requires PG&E to obtain a Certificate of Public Convenience and Necessity (CPCN) from the CPUC unless one of the following exemptions applies: the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing facilities, the conversion of existing overhead lines (greater than 200 kV) to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built. Obtaining a CPCN can take as much as 18 months or more if the CPUC needs to conduct its own CEQA review, while a CPCN with the environmental review already done would take an average of four to six months.

In summary, regardless of the voltage of PG&E's facilities that must be relocated, PG&E recommends that the Authority include a description

Submission 576 (Dale Overbay, Pacific Gas & Electric Co., October 12, 2011) - Continued

576-2

and environmental evaluation of the relocations in its CEQA review so that permitting for the relocation of PG&E facilities does not delay the Authority's project. The proposed project's potential relocations, modification, alteration, or addition of PG&E's electric transmission facilities and substations should be coordinated with PG&E prior to the finalization of the proposed project's EIR/EIS. According to the Public Utilities and Energy Section of Final EIR/EIS, it only states that the Authority "would work with utility owners during the final engineering design and construction of the project to relocate utilities or protect them in place" and not during the environmental document phase of the project. Instead, PG&E recommends that the Authority consult with PG&E on specifically identifying, evaluating, and describing in the proposed project's Final EIR/EIS the proposed work, locations, and impacts to these transmission facilities and substations. This would include but not be limited to the following:

- Footprint of such facilities and substations with proposed construction to be included in the habitat and wetland total affected acreages of the Biological Resources and Wetlands Section (Section 3.7).
- Historical resources 45 years and older impacted by construction of such facilities and substations to be included in the Cultural Resource Section (Section 3.17).
- Visual simulations of such facilities and substations after construction to be included and evaluated in the Aesthetic and Visual Resources Section (Section 3.16).
- A commitment that the work and impacts of such facilities and substations to be included as appropriate in the permits and authorizations required by resource agencies which includes the Biological Opinion (U.S. Fish and Wildlife Service), 401 (California Regional Water Quality Control Board), 404 (U.S. Army Corps of Engineers), Streambed Alteration Agreement (California Department of Fish and Game), and the concurrence with the cultural resource findings by the California State Historic Preservation Officer.

These actions could potentially reduce the project's cost and schedule by eliminating the need for additional environmental evaluation for the modification of the electric transmission and substation facilities. The Public Utilities and Energy Section does not identify all or evaluate potential impacts to specific PG&E facilities. The Authority should consult with PG&E for additional information and assistance in the development of potential impacts to PG&E facilities to make this a legally-adequate environmental review.

576-3

Planned and Unplanned PG&E Projects

PG&E also recommends that the Authority consult with PG&E on planned and potential future PG&E facility improvements and expansion plans. It is recommended that the Authority should identify and evaluate early on with PG&E potential future impacts to PG&E facilities and the potential for those facilities to accommodate future electricity and gas demand.

576-4

Access and Maintenance

The Public Utilities and Energy Section (Section 3.6), states the High-Speed Train "right-of-way would be fenced and secured after construction, and maintenance access for utilities that remain within the right-of-way would be limited." PG&E owns and operates electric and gas transmission lines and distribution facilities, substations and other

576-4

PG&E facilities and properties along the proposed project boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the CPUC has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, the Authority should coordinate with PG&E early in the development of their project plans. Any proposed development should provide for unrestricted utility access and prevent easement encroachment where possible that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Utility Coordination

According to the Public Utilities and Energy Section, it states that the Authority "would work with utility owners during the final engineering design and construction of the project to relocate utilities or protect them in place." PG&E recommends for the Authority to coordinate with PG&E during all project phases including the environmental document/project report, permitting, engineering and design, right-of-way acquisition, and construction phases.

Permitting

PG&E recommends that the Authority coordinate with PG&E on the development and review of agency permits and authorizations required. Construction work and design of utility facilities should be included as appropriate in the permits and authorizations required by resource agencies which includes the Biological Opinion (U.S. Fish and Wildlife Service), 401 (California Regional Water Quality Control Board), 404 (U.S. Army Corps of Engineers), Streambed Alteration Agreement (California Department of Fish and Game), and the concurrence with the cultural resource findings by the California State Historic Preservation Officer.

Engineering and Design

PG&E recommends that the Authority coordinate with PG&E on potential utility design and high-speed rail design adjacent to PG&E facilities during and prior to the design phases including the environmental document phase. Conceptual designs should be discussed early so that potential utility impacts could be adequately detailed in the Final EIR/EIS (See above, General Order 131-D). Early coordination would also avoid and minimize utility impacts such as ensuring proper rail facility vertical clearances for utility towers.

Right-of-Way

PG&E recommends that the Authority coordinate with PG&E during the right-of-way phase to ensure PG&E utility right-of-way rights are properly negotiated and terms satisfactory to PG&E requirements.

Electricity Demand

The Public Utilities and Energy Section, states that "Although it is not possible to predict supplies for 2035, provided the planning period available and the known demand from the project, energy providers have sufficient information to include the HST (High-Speed Train) in their demand forecasts." The Final also shows a prediction that the Merced to Fresno Section would require approximately 50 MW of additional peak capacity by 2020. PG&E recommends that the Authority consult with PG&E on determining the forecasted electricity demand of the Merced to Fresno Section.

Construction

Submission 576 (Dale Overbay, Pacific Gas & Electric Co., October 12, 2011) - Continued

576-4

The Public Utilities and Energy Section did not provide specifics of planned and accidental disruptions to PG&E utility services due to construction impacts. The Final EIR/EIS should include specific plans to alleviate these disruptions and that the Authority would coordinate with PG&E on these plans.
In addition, Table S-3 in the Summary of the Draft EIR/EIS, the document shows no mitigation required for public utilities and energy due to construction impacts or project impacts. PG&E recommends that this should be reevaluated and that the Authority should correspond with PG&E concerning potential mitigation measures prior to the finalization of the EIR/EIS.

576-5

Growth and Development
The Regional Growth Section (Section 3.18) asserts that "Because existing urban spheres of influence could accommodate the growth, physical extension of utilities such as electrical transmission, natural gas, water supply, and wastewater lines would not be any greater than already planned under the current city and county policies." However, PG&E is concerned that the project may require further expansion of electrical transmission and gas facilities beyond what is presently anticipated to accommodate expected growth. The proposed project would have potential direct and indirect consequence on growth and development, which includes local and regional populations to be redistributed and expected growth trends to alter, thus changing the electricity demand profile. Expansion of distribution and transmission lines and related facilities is a necessary consequence of this growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate build-out capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, and distribution and transmission lines.

576-6

Cumulative Impacts

The Cumulative Impacts Section (Section 3.19) did not identify and evaluate all PG&E facilities that would be impacted by the proposed project in order to determine that there would not be "...cumulatively considerable under CEQA." PG&E requests that the Final EIR/EIS include adequate evaluation of cumulative impacts to utility systems including impacts to the utility facilities needed to serve the proposed project and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and G.O. 131-D and reduce potential delays to the project schedule.

576-7

Utility Locations

Appendix 3.1-A (Project Footprint) of Volume II does not include all PG&E facilities within or adjacent to the project area. The Authority should coordinate early with PG&E on identifying and evaluating these locations and designating them in the mappings prior to the finalization of the EIR/EIS.

Substation Impacts

Section 3.6 (Public Utilities and Energy) does not identify in detail or show any level of impact to PG&E substations. There are at least three substations (not one to two as shown in Tables 3.6-12, 3.6-14, and 3.6-

576-7

16) impacted by the project. The substations potentially impacted are the Borden Substation in Fresno County (page 163, Project Footprint, Appendix 3.1A), and the Storey and Dairyland Substations in Madera County (pages 152 and 210 respectively, Project Footprint, Appendix 3.1A). The Final EIR/EIS should include the identification and locations of the Preferred Alternative impacts to these PG&E substations and the work required. This would include the proposed connections from the proposed project to PG&E substations. The Authority should coordinate early with PG&E on identifying and evaluating the potential substation impacts.

Conclusion

PG&E is committed to working with the California High-Speed Rail Authority on the proposed rail project from Merced to Fresno while maintaining its commitment to provide timely, reliable and cost effective gas and electric service to its PG&E customers. Please contact me by telephoning (559) 263-7372 or emailing me at DWO4@PGE.COM if you have any questions concerning our comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

Sincerely,

Dale Overbay, PLS
Land Agent
Yes

EIR/EIS Comment :

Response to Submission 576 (Dale Overbay, Pacific Gas & Electric Co., October 12, 2011)

576-1

The Authority recognizes its responsibility to pay for costs associated with project construction and the necessary relocation of electrical and other public utilities.

The Authority will work with Pacific Gas & Electric (PG&E) as well as other utility owners during final engineering design and project construction to relocate utilities or protect them in place. In general, where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it's best to place the line underground. In this case, the transmission line would be placed in conduit so that future maintenance of the line could be accomplished outside the HST right-of-way. Where existing underground utilities such as gas, petroleum and water pipelines cross the HST alignment, the utilities would be placed in a protective casing so that future maintenance could be accomplished outside the HST right-of-way. The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services.

576-2

See MF-Response-PUE-1.

The project team has been actively coordinating with PG&E during the early design phases of the project to identify, describe, and evaluate the HST's potential impact on existing electrical and gas infrastructure. As appropriate and commensurate to the early stage of engineering design, modifications have been made to the EIR/EIS to reflect the comments provided (see Section 3.6.2 Laws, Regulations, and Orders). Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D.

576-3

See MF-Response-PUE-5

576-4

See MF-Response-PUE-5, MF-Response-PUE-1, and MF-Response-PUE-3.
Within Section 3.6 Public Utilities and Energy of the EIR/EIS, Section 3.6.5.3 High-

576-4

Speed Train Alternatives discusses potential conflicts with existing utilities. The Authority will work with utility owners during final engineering design and construction of the project to relocate utilities or protect them in place such that safe and reliable maintenance of the facilities is not impaired. For example, where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it is best to place the line underground. In this case, the transmission line would be placed in a conduit so that future maintenance of the line could be accomplished outside the HST right-of-way.

The project team will continue to coordinate with PG&E to identify, describe, and evaluate the HST's potential impact on existing electrical infrastructure. Section 3.6.5.3 of the EIR/EIS discusses the specific actions that will be implemented to minimize planned service interruptions and reduce the potential for accidental disruptions in service. Potential impacts to electrical power supply and electrical utility operations during construction and operation of the HST have been alleviated through project design. No additional mitigation is required.

576-5

See MF-Response-PUE-3 and MF-Response-PUE-5.

Growth is forecasted in the Central Valley under the No Project Alternative and HST Project. As shown in Table 3.18-2 in Section 3.18, Regional Growth, the population of the three counties in the study area is projected by about 68-percent which over double then projected for California as a whole. The population growth is going to require the physical extension and expansion of utilities even under the No Project Alternative. Compared to the projected growth without the project, the HST Project would not induce growth substantially beyond what is projected. The HST alternatives would encourage more compact, efficient land use in the region and would generate higher-density infill development around HST stations which would minimize some of the need for expansions to new areas. Section 3.13, Station Planning, Land Use, and Development, provides additional information on the development of the station areas. Additionally, text in Section 3.19, Cumulative Impacts, under Public Utilities and Energy, addresses the new power that would be required under the No Project Alternative. Because of the new power requirements as a result of growth in the study area under the No Project Alternative, the HST Project would not contribute cumulatively to the overall demand for

Response to Submission 576 (Dale Overbay, Pacific Gas & Electric Co., October 12, 2011) - Continued

576-5

utility services.

576-6

The impacts of the HST project on PG&E facilities, including the need for additional facilities to serve the project, are direct impacts and are analyzed in Section 3.6, Public Utilities and Energy, in the Final EIR/EIS. Proposed modifications to electrical facilities, including transmission line upgrades and additions, are discussed for each HST alternative in Chapter 2 Alternatives of the Final EIR/EIS, which describes the project elements.

The Authority is actively assimilating information on existing and planned utilities. The designs presented in the EIR/EIS are preliminary (15% complete). The Authority will coordinate with utility owners to refine this information, identifying and evaluating all known facilities within the footprint during future design phases. The Authority will also be meeting with local districts, municipalities, and other entities (e.g., Kinder Morgan) to develop Memoranda of Agreement that will define terms and conditions to resolve utility conflicts, including funding by the Authority to reimburse costs incurred as a result of the HST project. As necessary, the Authority will coordinate with the appropriate state agencies to facilitate oversight of these activities.

576-7

See MF-Response-PUE-1 and MF-Response-PUE-5.

Submission 707 (Bruce Reznik, Planning & Conservation League, Planning & Conservation League Foundation, October 13, 2011)

PCL President
Bill Center
PCL Presidents Emeritus
Sage Sweetwood
John Van de Kamp
PCL Senior Vice President
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David Mogavero
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October 13, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: Merced_Fresno@hsr.ca.gov]

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft EIR/EIS prepared by the California High-Speed Rail Authority for the Merced to Fresno section of the proposed California High-Speed Train (HST) Project.

The Planning & Conservation League (PCL) and PCL Foundation (PCLF) are Sacramento-based nonprofit organizations that work in concert to connect the power of grassroots organizations to state government in order to enact policies that protect our environment and improve the quality of life and economic security for all Californians. PCL Foundation was founded in 1972 and is a 501(c)(3) nonprofit organization that seeks to protect California's environment and ensure that California continues to be an attractive, livable, and equitable state by engaging in cutting-edge environmental public policy research, and by educating and empowering local communities to participate in local and state environmental decision-making processes. The Planning and Conservation League, PCLF's partner organization, is a statewide, 501(c)(4) nonprofit organization that serves as the lobbying arm of environmental community - passing, enforcing and protecting laws and initiatives that safeguard our environment and communities.

PCL and PCLF have been long-time supporters of high speed rail and will continue to be as long as the HST system can be built in a manner that complements PCL's top priorities including: climate change mitigation, public health, sustainability planned communities, and conservation of native habitat and farmland. Unfortunately, the Authority's current plan for the Merced to Fresno section of the proposed high-speed rail project would lead to the unnecessary destruction of farm land, homes, schools, churches, and historic buildings; would not have the stated benefit of urban sprawl mitigation; and would provide no immediate benefit to the citizens of the Central Valley of California.



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Page 2 of 4

707-1

Inadequate Comment Period

As a preliminary matter, PCL reiterates its belief that the 60-day comment period established by the Authority did not provide an adequate time for the public to comment on the 17,000 page D-EIR/EIS for the Merced to Fresno section. The D-EIR/EIS was released at the end of the legislative session and, up until a week before comments were due, the D-EIR/EIS for the Fresno to Bakersfield section, another 17,000 page document, was also due for review within that 60-day comment period. PCL has previously submitted a letter to the Authority on this subject, dated September 22, 2011, outlining why an expanded comment period is required. We hereby incorporate that letter into these comments.

707-2

Unnecessary Destruction of Farm Land, Historic Properties, Churches, Schools and Homes

All of the proposed routes listed in the D-EIR/EIS (the BNSF, UPRR/SR-99, and Hybrid) involve some level of destruction. The conversion of farm land under the currently proposed route, even with mitigation, would remain substantial under NEPA and significant under CEQA according to the HSRA.¹ An alternative that is not considered in the proposal is the 1-5 route, a route that would use existing right of ways and run in an area not currently developed with historic properties, churches, schools, and homes. This plan was disregarded too quickly by the HSRA and should be returned to the analysis. A stop in Kettleman City would allow for connections from the existing Amtrak line in the Central Valley to the HST. Positive train control on Amtrak lines could increase the speed to 90 MPH, allowing valley residents to quickly access their destination or the HST. And because of the straight line routing and lack of stops on the 1-5 route, the trip between San Francisco and Los Angeles could be made in the goal time of 2 hours and 40 minutes.

707-3

No Urban Sprawl Mitigation

The report states in the No Project Alternative that there will be a high growth rate in the valley that will require "land acquisition and the construction of new infrastructure, including roadways, electric power generation, water and wastewater facilities, schools, hospitals, and commercial and industrial facilities."² The No Project Alternative is flawed because it fails to take into account the glut of foreclosed, vacant housing in existing neighborhoods the Central Valley and vacant land within current city boundaries. If planning was done correctly, the amount of land stated would not be needed. The report assumes under the No Project Alternative, that current planning and building practices won't change. But the HSRA itself states that "Merced Fresno land use plans encourage infill and higher-density development in urban areas and concentration of uses around transit corridors to provide more modal choices for residents and workers."³

One of the stated benefits to Central Valley residents is that building this section of track will curb urban sprawl. When analyzing the No Project Alternative, the report states that the HST will prevent sprawl by encouraging transit-oriented development (TOD). But TODs can (and are) being built around existing train and bus stops and do not rely on HSTs being run. The report also fails to include the possibility that the funds currently being used by the HST could be

¹ CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-16

² CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-7

³ CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-11

Submission 707 (Bruce Reznik, Planning & Conservation League, Planning & Conservation League Foundation, October 13, 2011) - Continued

Page 3 of 4

707-3

converted to local transportation projects that would create TODs. Without an inner-city transportation system, something that is seriously lacking in these communities, expansion of freeways (and the sprawl they induce) will continue to happen even if the HST is present.

The report also ignores the potential for bedroom communities in the Central Valley created by the HST due to the lower cost housing and, now, a much quicker commute. Bringing more citizens into these communities will only exacerbate the existing tendency towards sprawl. And pushing people further into the exurbs runs counter to a major goal of high-speed rail and PCL, namely cutting our carbon output while creating denser, more sustainable communities.

In conclusion, the analysis in the No Project Alternative should reflect that the Central Valley plans to grow more efficiently in the future around existing transportation options including downtown train and bus stations. The report should also reflect the increased population from bedroom communities in the "build" alternatives. Without these additions, there is not an accurate analysis of the costs and benefits of building this proposed section.

707-4

No Immediate Benefit to Citizens of Central Valley

The environmental benefits from HST come from reducing trips on transportation methods that use fossil fuels. In the Central Valley, this benefit would only be realized by truly long distance commuters. Travelers wanting to move between Central Valley cities would face the "last mile" problem because of a lack of public transportation once they arrive at their destination. If the state of California truly wanted to improve air quality, they should use some of the funds set aside for this project to make the daily commutes of valley residents possible without a vehicle. This would have the added benefit of encouraging the use of the HST for short trips within the Central Valley because of the elimination of the "last mile" problem.

A large concern is that the current lack of funding for the entirety of this project will lead to only this section, and perhaps the Fresno to Bakersfield section, being built before funding runs out. This would mean that the Central Valley residents would bear the burden of the costs of construction- environmental degradation, land acquisition, historic building destruction- and never receive any real benefit. Even if trains are run on this section (something that is not currently planned), they would only be connecting three or four cities that already are connected via the existing Amtrak lines.

Because of the above concerns, PCL recommends the following:

An initial construction of the segment between Bakersfield to Los Angeles, a connection that is currently lacking on the existing Amtrak line would provide an immediate benefit to residents of the Central Valley and beyond. This would provide the benefit to the Central Valley that the \$3B in federal funding was designed to do- and what the Merced to Fresno segment will be unable to do- allow employers to access employees in the Central Valley and give valley residents increased opportunities in new markets. It would also allow the authority to earn money from operating his service, funds that could be used to complete the remaining project. While this segment was being built, the I-5 route can be re-analyzed in light of the extensive environmental costs to the Central Valley and the potential for bedroom communities and sprawl.

Page 4 of 4

707-4

Additionally, a larger portion of the funds should be set aside of inner-city transportation improvements in the Central Valley. These projects should be built in concert with the Bakersfield to Los Angeles. These inner-city transportation improvements would provide immediate benefits to citizens and set the stage for a more successful HSR line in the future by eliminating the "last mile" problem.

707-5

We appreciate the opportunity to comment and urge the Authority to revise and re-circulate the environmental documents to address the serious concerns outlined in this letter.

Sincerely,



Bruce Reznik,
Executive Director
Planning & Conservation League

Response to Submission 707 (Bruce Reznik, Planning & Conservation League, Planning & Conservation League Foundation, October 13, 2011)

707-1

See MF-Response-GENERAL-7.

707-2

See MF-Response-GENERAL-2 for a discussion of the I-5 alignment.

707-3

See MF-Response-GENERAL-3. See Section 3.13.5, Station Planning, Land Use, and Development, under the Indirect Land Use Effects for information on TOD in the HST station areas. In this section the text discusses how TOD associated with the HST station would have a stronger influence on land use compared to typical light rail TOD.

The HST Project would serve the existing and future need for transportation, would help to provide employment opportunities in a region with high unemployment, and would encourage more compact urban development around the station areas. The increases in employment are anticipated to occur faster than the growth in population as a result of the stimulation effect of the HST Project especially in the station areas. Operation of the HST Project would also attract people who would live in the Central Valley and commute to the major metropolitan areas; however, much of the employment growth in the Central Valley is expected to be filled by the local labor pool. The HST will not lead to wholesale shift in residential locations for the Bay Area and Los Angeles into the Central Valley and any interregional shifts in residential locations are expected to be a small portion of the growth expected in the Central Valley (Cambridge Systematics Inc. 2003). The costs associated with taken a daily trip to and from the larger metropolitan areas as well as the other costs associated with traveling to and from the stations if the residency is outside of the station area would be cost prohibitive.

New text has been added to Section 3.18, Regional Growth, to discuss Senate Bill (SB) 375 Sustainable Communities Strategies. SB 375 (2008) requires each of California's 18 Metropolitan Planning Organizations to adopt a "sustainable communities strategy" (SCS) or "alternative planning strategy" (APS) as part of their regional transportation plan. The purpose of the SCS or APS is to reduce greenhouse gas emissions from automobiles and light trucks within their region to meet emissions targets set by the California Air Resources Board. One element is to identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan

707-3

taking into account net migration into the region, population growth, household formation and employment growth. SB 375 grants no new land use powers to the MPOs.

However, in order to meet the assigned emissions reduction targets, the SCS or APS is expected to call for more compact development patterns that can be served by transit and other modes of transportation. These development patterns will be encouraged by the requirement that the SCS or APS both reduce greenhouse gas emissions (which are linked to vehicle miles travelled) and plan to accommodate regional housing needs (which are expected to continue to increase). Unlike the San Joaquin Valley Blueprint described in Section 3.18, Regional Growth, preparation of the SCS is mandated by law and the ability of each SCS to meet the emissions reduction target for the San Joaquin Valley must be reviewed and approved by the Air Resources Board. If implementation of the SCS would not meet the target, then the MPO must adopt an APS that would.

However, the APS is not a required component of the regional transportation plan and therefore would be less likely to be implemented.

The SB 375-mandated SCS in each county will likely rely upon HST development to help reach its greenhouse gas emissions reduction targets of 5% by 2020 and 10% by 2035. The SCS process, together with steps the Authority will take to assist with station area planning, is expected to encourage more compact development within the region and particularly around HST station locations. In addition, the Authority is funding station area planning grants for the cities of Merced and Fresno. At this writing, the cities are in the final stages of approving their acceptance of this funding. It will be used to prepare land use plans for the areas around the stations, including compact development and mixed uses compatible with the Authority's Urban Design Guidelines. While much of the growth in the station areas is a result of market forces, government involvement through a number of strategies can help to speed up the process including higher density mixed use zoning. In addition to SB 375 and SCS strategies encouraging more compact development, recent studies indicate that changes in the California housing market along with market forces would support higher density, more compact development around HST stations.

Even without the HST Project, to some extent, the SCS that will be adopted by the MPOs as part of their regional transportation plans will be expected to encourage both more compact development and greater investment in local transit modes as a means of reducing greenhouse gas emissions. Where an APS is adopted by the MPO, there may be less encouragement of compact development. In either case, the fact that the SCS/APS will address reduction on greenhouse gas emissions will encourage cities and

Response to Submission 707 (Bruce Reznik, Planning & Conservation League, Planning & Conservation League Foundation, October 13, 2011) - Continued

707-3

counties to consider its provisions during planning and zoning deliberations in order to comply with CEQA's requirement to mitigate the impacts of planning and zoning decisions on greenhouse gas emissions. The San Joaquin Valley Blueprint, which is voluntary not mandatory, is also expected to encourage more compact development, but the extent of any increase in compact development will be difficult to quantify unless the city or county chooses to adopt the Blueprint policies as part of its general plan.

707-4

See MF-Response-GENERAL-13. The Authority's statutory mandate is to develop a high-speed intercity passenger rail network in California and does not have jurisdiction over commuter transportation. However, the Authority is committed to providing transit-oriented development in the vicinity of HST stations, and one of the criteria for station location selection is maximizing intermodal transportation opportunities. Expectations for funding the complete HST project are discussed in MF-Response GENERAL-18. Based on these assumptions, the HST will be built in sequential segments until the statewide system is completed. Please see MF-Response-GENERAL-2 for a discussion of the I-5 alignment.

707-5

See MF-Response-GENERAL-1. Also, see the response to Submission #131.

Submission 400 (Jena Price, Planning and Conservation League, September 27, 2011)

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Teresa Villegas
Amy White
Bill Yeates

September 22, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request for Additional Extension of EIR/EIS Comment Period- Fresno to Bakersfield
Section and Merced to Fresno Section

Dear Chairperson Umberg and Board Members:

400-1

The Planning and Conservation League request that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield and Merced to Fresno section. On August 9, 2011, the Authority released a draft EIR/EIS on the Fresno to Bakersfield and Merced to Fresno alignment and indicated that comments pertaining to that document were to be submitted no later than September 28, 2011. While this was later extended to October 13, 2011, this is still inadequate time to review a project of this magnitude. We request that immediate action be taken to extend the deadline to mid-February, allowing a 6 month comment period. This is the amount of time necessary to thoroughly review these massive and important documents, which contains over 17,000 pages.

Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) were put in place to ensure that governmental decisions potentially affecting the environment are made only after the decision makers are fully informed of the potential environmental implications. The current deadline does not facilitate the type of public participation and comment that both CEQA and NEPA require. Without sufficient time for community groups to adequately review the Draft EIR/EIS, the Authority will not have the information needed to make sound decisions on the Fresno to Bakersfield and Merced to Fresno sections.

This project deserves a 6 month review period to ensure that all relevant comments are received on the largest infrastructure project to be attempted in recent California history. Your consideration is appreciated.

Sincerely,

Jena Price
Legislative Director
Planning and Conservation League



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Response to Submission 400 (Jena Price, Planning and Conservation League, September 27, 2011)

400-1

See MF-Response-GENERAL-7.

Submission 353 (Preserve Our Heritage Preserve Our Heritage, Preserve Our Heritage,
September 15, 2011)

Preserve Our Heritage
P.O. Box 501
Chowchilla, CA 93610

September 14, 2011

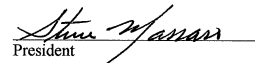
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

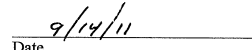
Dear Chairman and Members of the Board:

Preserve Our Heritage supports the request of J.G. Boswell Company, dated
September 8, 2011, for an extension of time to review the EIR/EIS documents of at least
180 days.

Signed:



President
Preserve Our Heritage



Date

353-1

Response to Submission 353 (Preserve Our Heritage Preserve Our Heritage, Preserve Our Heritage, September 15, 2011)

353-1

See MF-Response-GENERAL-7.

Submission 780 (Scott B. Birkey, Preserve Our Heritage (Attny for), Cox Castle & Nicholson
LLP, October 13, 2011)



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Scott B. Birkey
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File No. 62043

October 13, 2011

VIA E-MAIL AND OVERNIGHT DELIVERY

David Valenstein
Federal Railroad Administration
MS-20, W38-303
1200 New Jersey Avenue, SE
Washington, DC 20590

Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Comments on California High-Speed Train Project, Merced to Fresno Section,
Draft EIR/EIS

Dear Messrs. Valenstein and Leavitt:

On behalf of Preserve Our Heritage ("POH"), we are providing comments on the California High-Speed Train Project, Merced to Fresno Section, Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") prepared by the Federal Railroad Administration ("FRA") and the California High Speed Rail Authority ("Authority") for the high-speed rail section between Merced and Fresno ("Project").¹ These comments also reflect comments by POH's environmental consultants, Impact Sciences and Illingworth & Rodkin, regarding certain key sections in the Draft EIR/EIS. We are also providing for the administrative record a video of the October 6, 2011, Fresno City Council meeting.

In summary, based on our collective review we believe the Draft EIR/EIS is fundamentally flawed in several important respects. The Authority has failed under CEQA to produce a Draft EIR/EIS that reflects a reasonable, good faith effort to disclose and evaluate the environmental impacts of the Project, or to properly identify and describe mitigation measures and alternatives related to the Project. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376 (1988). Further, the FRA has failed under NEPA to take a "hard look" at the environmental consequences of the Project, and any decision by the FRA predicated on this Draft EIR/EIS would be arbitrary and capricious. See, e.g., *Kleppe v. Sierra Club*, 427 U.S. 390 (1976);

¹ Unless otherwise specifically noted, references to the "Authority" include both the California High Speed Rail Authority and the Federal Railroad Administration.

62043\4110990v9

Federal Railroad Administration
California High-Speed Rail Authority
October 13, 2011
Page 2

Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208 (9th Cir. 1998). The Authority should, at the very least, address and remedy these significant flaws, and re-circulate a revised draft of the EIR/EIS for another round of public review and comment. See, e.g., 14 Cal. Code Regs. § 15088.5.

I.
INTRODUCTION

POH is an organization comprised of farmers and other agricultural interests in the Madera and Merced area of the California Central Valley. POH's members have lived and farmed in this region for generations, and they pride themselves on being good stewards of the land. Because of the high-speed rail Project's potential for significant regional and local agricultural impacts, POH has been monitoring the Authority's environmental analysis of the high-speed rail line alternatives through the greater Madera and Merced region. As discussed in detail below, POH has significant concerns regarding that analysis, and is particularly alarmed by the fact that – in contravention of Proposition 1A – the Authority is considering rail alignments that would disrupt intact agricultural lands and locate rail corridors on pristine greenfields rather than use existing transportation corridors.

POH is no stranger to the Authority or its staff. For more than a year, POH has served on technical working groups, participated in public meetings and offered suggestions on how high-speed rail could work within our community. POH has presented rail alignment options to the Authority on several occasions that could serve as models for how existing corridors could be used to avoid destroying our communities, pristine wildlife, or the basis of our economy. We have developed maps that meet HSRA published planning criteria, taken HSRA staff and executives on tours of impacted lands and testified innumerable times at HSRA meetings, technical working groups, community outreach meetings and workshops. As early as September 2010, HSRA staff told POH they would accept no further changes or inputs to their planned routes; in their words, "pencils were down." When questioned regarding the lack of use of existing corridors, HSRA's contractor told POH that "from space" all the options looked like existing corridors.

HSRA's lack of consideration for the impacted communities is evidenced by the fact that the Authority gave the public only 60 days to review and comment on the thousands of pages comprising the Draft EIR/EIS and its technical reports. The Authority is pushing to start construction in order to cross a mythical "point of no return" and thus gave the public inadequate time to review and comment on more than 15,000 documents. This is a patent disregard of the public's right to expect an adequate opportunity to review and comment on a project of monumental importance to the State of California. The Authority's rush through this process is a violation of both the letter and the spirit of CEQA and NEPA. See, e.g., 14 Cal. Code Regs. § 15201 ("Public participation is an essential part of the CEQA process."); *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.*, 42 Cal.3d 929 (1986) (noting that the CEQA process "must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project . . ."); 40 C.F.R. § 1500.1(b) (noting that during the

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NEPA procedures "public scrutiny [is] essential to implementing NEPA"). POH reserves its right to raise this argument at any point during the CEQA and NEPA process for the Project.

POH rejects the myth created by the Authority that high-speed rail will result in the creation of jobs. POH recognizes that there will be a temporary increase in construction employment when the section and stations are constructed. However, there is no mention in the Draft EIR/EIS that construction workers will be hired locally. Furthermore, there is no assurance of the Project creating a substantial number of permanent jobs. In fact, POH believes that the Project will result in substantial job losses in Madera and Merced Counties by taking thousands of acres of prime farmland out of agricultural use. POH has dedicated itself to the preservation of agricultural land and the agricultural industry. If our agricultural land is destroyed, we not only lose a finite resource and a way of life, we lose the jobs that accompany agriculture: the packing box manufacturer, the bottle maker, the seed company, the crop duster, the irrigation supplier, the equipment supplier, and the value-added manufacturing that still exists in this state.

As discussed in more detail below, the Draft EIR/EIS is critically deficient. Nonetheless, we note that the Draft EIR/EIS makes one thing abundantly clear: although all of the alternatives have substantial adverse environmental impacts, the BNSF and the Hybrid alternatives would result in substantially greater environmental impacts than the UPRR/SR 99 alternative. This only makes sense. Unlike the BNSF and the Hybrid alternatives, the UPRR/SR 99 alternative would primarily use *existing transportation corridors*. As such, it has fewer impacts to agricultural resources, biological and wetland resources, and other impacts. With respect to the wye options, POH reiterates that the Highway 152 wye option, which the Authority has deferred to the next EIR/EIS, is in fact the environmentally superior option in comparison to the other wye options, because it uses existing transportation corridors and has the fewest environmental impacts.

POH believes the West Chowchilla Design Option also results in significant environmental impacts. This option would result in particularly devastating agricultural impacts, as it would create an alignment that cuts through irrigation systems, drainage systems, power access, and roads. There would be no feasible mitigation to remedy such extensive impacts. This option would also cut through several environmentally sensitive areas. One of those areas is the 14-acre environmental retreat in which the San Joaquin Valley Raptor Center releases injured predators such as hawks. To our knowledge, no local agencies and almost no landowners in the area support this option. In any event, this option is clearly at odds with the Project objectives on page 1-4, one of which is to "maximize the use of existing transportation corridors and rights of way, to the extent feasible." Finally, we note that the Draft EIR/EIS includes certain mistakes suggesting that the analysis of this option is inaccurate. For example, the Draft EIR/EIS erroneously states on page 3.8-21 that "Dutchman Creek borders the north side of Harris-DeJager HMF site." Dutchman Creek is actually several miles to the north. In addition, there are sections of the Avenue 21 corridor where there is no existing corridor, only a series of water canals. We believe that as a community which lives and works directly in the route of HSR, that the only acceptable and least damaging route for HSR is along the Hwy 99/UPRR and Hwy 152 alignments.

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Finally, we find it curious that the preface to the Draft EIR/EIS states "The Board will not make a final decision on the Project alternative to be implemented until after the Final Project EIR/EIS is issued," and yet under the Merced to Fresno HST Milestone Schedule, the Draft EIR/EIS states that property acquisition will begin in December 2012. This suggests the Authority's analysis is little more than a *post hoc* rationalization.

With this background, POH respectfully makes the following comments on the Draft EIR/EIS.

II.
COMMENTS ON DRAFT EIR/EIS

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A. The Project Alternative Descriptions Are Incomplete, Misleading, and Generally Inadequate for Environmental Review.

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, and the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code § 21000 *et seq.*, generally require that a project description must be accurate and consistent throughout the environmental document. Under CEQA, for example, "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977); *see also Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). This principle generally applies in the NEPA context, as well. *See, e.g.*, 40 C.F.R. §§ 1502.13, 1502.14.

The Draft EIR/EIS fails to satisfy these fundamental principles of NEPA and CEQA. The description of each project alternative in the Draft EIR/EIS is either incomplete, misleading, or generally inadequate for environmental review, and – by extension – for review by the public. For example:

- *Passim*. Throughout Chapter 2, the TPSS and the power source for the vicinity are not identified. Similarly, while the TPSS and proposed power line extensions and reconductoring are identified in the text of the chapter, there are no graphics depicting where these improvements will be made. This makes it nearly impossible to tell whether the environmental impacts associated with these project components were analyzed.
- Page 2-27. The Draft EIR/EIS fails to mention the large amount of vacant housing that exists in the Central Valley as result of the downturn in the economy. Given that vacant housing inventory, it is unlikely the projected levels of growth identified in the Draft EIR/EIS will be achieved by 2035. The employment and population numbers reported in the Draft EIR/EIS overstate by orders of magnitude the projected growth of the study area under the No Project Alternative.

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- Page 2-54. The graphic shows a "Secondary Impact Area" adjacent to the Merced HST Station but there is no explanation of that in the Project description. Moreover, there is no analysis of any "secondary impacts" in this area in any of the topical areas in the Draft EIR/EIS. Notably, there is no "Secondary Impact Area" identified for the Fresno HST station. The Draft EIR/EIS fails to account for these "Secondary Impact Areas" in the Project alternative descriptions, and it fails to analyze any of the "secondary" impacts that may result in these two areas.
- Page 2-65. The Draft EIR/EIS states that the BNSF alignment will go through the communities of Sharon and Kismet. Those two communities are not mentioned again in any of the resource sections of the Draft EIR/EIS. Is the Project description in error or the analysis incomplete?
- Page 2-89. Numerous agencies, organizations and citizen groups have identified inaccuracies in the Authority's ridership numbers. (See, e.g., Elizabeth Alexis, Memo to the Ridership Peer Review Panel, Sept. 2011.) The Authority continues to use these numbers to justify the need for the Project and to assert that the Project will provide environmental benefits such as reduced air pollution and greenhouse gas emissions. Because these ridership numbers are inaccurate, the resulting benefits are seriously overstated.
- Pages 2-91 and 2-02. The description of the HST Service for the full system does not provide any information on the number of daily trains that would operate on the Merced-Fresno section, both north and south of the wye. In fact the Draft EIR/EIS does not make clear the number of trains that would operate on this section and the frequency of those trains. Given that the number of daily trains is a key variable that determines several of the Project's impacts, the lack of this information in the Project description is a serious flaw of the Draft EIR/EIS and has a ripple effect throughout the entirety of the document.
- Page 2-91. The Draft EIR/EIS claims that the percentage of transit passengers arriving by automobile will decrease as land development around the station increases. This is unlikely to occur because there are no true incentives to get local governments to focus on infill. To make this a reality, the Authority would need to provide incentives for cities along the high-speed rail alignments to encourage infill development near the transit centers. The Draft EIR/EIS assertions regarding infill development around stations are not supported by the facts.
- Page 2-96. The Draft EIR/EIS describes the track and station construction taking 7 years to complete and the HMF being completed in 9 years. The economic analysis uses 5 years of construction, thereby distorting the economic impacts of the Project.

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B. The Draft EIR/EIS Inappropriately Segments the Overall Project, Resulting in Piecemeal Environmental Analysis Masking the Project's True Environmental Impacts.

A project description should include "the whole of [the] action," and must include the entirety of the project. See *Santiago Water District v. County of Orange*, 118 Cal.App.3d 818, 829-30 (1981). A lead agency may not "piecemeal" or "segment" a project by splitting it into two or more segments for analysis in separate environmental documents. CEQA mandates that environmental considerations must not be "submerged by chopping a large project into many little ones – each with minimal potential impact on the environment – which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Comm'n*, 13 Cal.3d 263, 283-84 (1975). NEPA also prohibits lead agencies from segmenting a project in order to avoid their NEPA obligations. See, e.g., *Thomas v. Peterson*, 753 F.2d 754 (9th Cir. 1985); see also *Save Yaak Comm. v. Block*, 840 F.2d 714 (9th Cir. 1988). Under NEPA, actions and proposals that should be considered together should not be separated for consideration in separate impact statements, and this principle applies in particular with respect to "connected actions" that are "closely related." 40 C.F.R. § 1508.25(a)(1). In several instances, the Draft EIR/EIS demonstrates that the Authority is piecemealing its environmental review of this Project.

- Page 2-22. The Draft EIR/EIS says that the Authority will pick a north-south alignment based on the analysis in this Draft EIR/EIS, but the wye will be picked based on the anticipated Merced to San Jose section EIR/EIS. This is classic piecemealing and a textbook violation of both NEPA and CEQA. Two elements of the same project must be evaluated together in one environmental document. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of the University of California*, 47 Cal.3d 376, 396 (1988). Evaluating the wye in a separate environmental document violates this fundamental precept, and this is particularly egregious here where the wye is a significant portion (about one-third of the total 65-mile section) of the section that comprises the Merced to Fresno corridor. Indeed, the Authority itself admits on page 3.1-2 that the wye influences the impacts of the north-south section. The wye also decides travel time and is an important factor in the purpose and need and decision making.
- *Pasim*. The Draft EIR/EIS reports the environmental impacts of the Ave 21 and Ave 24 wyes and north-south section combinations together. As a result, it is nearly impossible for the public – and the Authority Board – to tease out the environmental impacts related to the north-south sections. The Authority cannot select the north-south alignment for this section based on the incomplete information in this Draft EIR/EIS. The Authority cannot make a decision on the north-south alignment without fully analyzing and disclosing the impacts of all the wye options, including the SR-152 wye. The Authority must analyze the environmental impacts of the SR-152 wye, add that information to this Draft EIR/EIS, and recirculate this document so that all of the impacts of the Project

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will be fully disclosed to the public and the decision makers will have all the necessary information needed to make an informed decision with respect to this section of the HSR system.

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C. The Draft EIR/EIS Is Deficient Because It Defers the Environmental Analysis and Mitigation Related to Key Elements of the Project.

An analysis of environmental impacts that can be feasibly evaluated should not be deferred to later. See, e.g., *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 40 Cal.4th 412 (2007) (EIR for large community plan did not adequately investigate impacts of supplying water to future stages of development); *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 1428 (EIR for proposed multistage development project that contained no analysis of water supply impacts of later phases, and deferred analysis to later EIRs, held to be inadequate).

Similarly, it is generally inappropriate for a lead agency to defer formulation of a mitigation measure to the future. 14 Cal. Code Regs. § 15126.4(a)(1)(B). For example, mitigation measures calling for a mitigation plan to be devised based on future studies are legally inadequate if they do not describe the nature of the actions expected to be incorporated in the plan. See *San Joaquin Raptor Rescue Ctr. v. County of Merced*, 149 Cal.App.4th 645 (2007) (rejected mitigation measure calling for future surveys for special status species and development of undefined habitat management plan in response to surveys); *Endangered Habitats League v. County of Orange*, 131 Cal.App.4th 777 (2005) (rejecting mitigation measure requiring submission of acoustical analysis and approval of mitigation measures recommended by analysis because no mitigation criteria or potential mitigation measures were identified).

The Draft EIR/EIS improperly defers the environmental analysis and mitigation related to key elements of the Project, and therefore violates the principles identified above. The Authority may not wait until after the Draft EIR/EIS to evaluate the Project's impact or to develop mitigation related to any already-identified impacts from the Project. Those efforts must be done now and included in the Draft EIR/EIS. Below are examples of where the Draft EIR/EIS falls far short of satisfying this requirement.

- Page 2-98. The Draft EIR/EIS describes future staging areas, the locations and sizes of which currently are not identified in the Draft EIR/EIS. Given that this is a project-level analysis, the Draft EIR/EIS should indicate clearly how many staging areas will be required for the total length of the Merced to Bakersfield section, the length of time the staging areas would be needed, and in what condition they would be returned to owners. The Draft EIR/EIS fails to provide any of that information. It also fails to describe from where the dirt to construct the berms would be obtained.

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- Page 2-98. The Draft EIR/EIS states that preconstruction activities will require temporary batch plants to produce PCC or asphaltic concrete. According to the Draft EIR/EIS, the contractor will be responsible for reducing air emissions, mitigating noise impacts, and reducing the potential for discharge of pollutants into storm drains or watercourses from the use of equipment, materials, and waste products. The Draft EIR/EIS also indicates that the Authority will do further studies as necessary to develop traffic control plans and conduct cultural resource investigations and historic property surveys.² All of this is classic deferred analysis. These project components should be fully identified in the Draft EIR/EIS. If because of the preliminary nature of the Project design these details about the Project cannot be identified at this time, then the Draft EIR/EIS should have identified clear performance standards as to how these future activities will be completed and how environmental impacts will be avoided or minimized. No such performance standards have been provided. As written, the public has no assurance that these components of the Project will not result in substantial additional environmental impacts that are not disclosed nor mitigated by the measures included in the Draft EIR/EIS.
- Page 3.1-2 states that even though the Authority and FRA will not make a decision on the wye as part of this Draft EIR/EIS, it analyzes the impacts of the Ave 21 and Ave 24 wye to show how the wyes would influence impacts associated with the north-south alignment. If that is the case, as noted in our comments above, the Authority cannot approve a north-south alignment without fully evaluating the SR 152 wye because that wye will also influence the impacts of the north-south alignment and the Authority and FRA have committed to evaluating that wye. As such, in addition to the piecemealing issue identified above, waiting until later to evaluate the SR 152 wye is an improper deferral of environmental analysis.
- The Draft EIR/EIS is replete with numerous examples of deferred mitigation. For example, *Bio-MM#5* requires the preparation of a biological resources management plan as mitigation. However, there are no details as to what will be included in the management plan, which is completely inadequate as mitigation under CEQA and NEPA. The Draft EIR/EIS provides no information regarding the requirements of the plan. How would any of the biological resources be managed? This question cannot be answered from the information provided in the mitigation measure. This is textbook deferral of mitigation. Similarly, *Bio-MM#6* requires the preparation of a restoration and revegetation plan, presumably for upland vegetation impacts, but there is a complete lack of details

² The reference to future cultural resource investigations and historic property surveys is particularly disturbing because the Project must complete the Section 106 compliance process pursuant to the National Historic Preservation Act before the Project is approved. Section 106 does not allow such analysis to be deferred.

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in this measure, and therefore this is a plan with no content and incapable of providing any real mitigation.

- Along these same lines, the last sentence on page 3.4-50 (Noise and Vibration) states "establish performance criteria to balance existing noise events and ambient roadway noise conditions as factors for determining mitigation measures." If performance criteria are to be established to mitigate impacts, those need to be presented in the Draft EIR/EIS and not deferred to a later point in time.

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D. The Analysis of Alternatives Is Deficient, and the Alternatives Evaluated Do Not Reflect a Reasonable Range of Alternatives.

As a preliminary matter, POH was frustrated to learn that the Draft EIR/EIS evaluates the BNSF alternative. The Authority and FRA should not have wasted public resources evaluating that alternative in this Draft EIR/EIS. That alternative was evaluated previously in the HSR System Program EIR/EIS and that analysis clearly demonstrated that the BNSF alternative would have substantially greater environmental impacts than the UPRR/SR 99 alternative. As this project-level EIR/EIS tiers from the Program EIR/EIS that preceded it, there was absolutely no need to evaluate this alternative again. CEQA explicitly states that only those alternatives be considered that would meet the Project objectives and avoid or reduce (and not increase) the Project's environmental impacts. Cal. Pub. Res. Code § 21002; 14 Cal. Code Regs. § 15126.6. Similarly, the ultimate purpose of the alternatives analysis in a NEPA document is to identify ways in which a project's environmental impacts may be reduced or avoided. See 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. § 1502.14. The expenditure of public funds on such spurious analysis is inappropriate, and the continued evaluation of these alternatives, which deviate from existing transportation corridors, is a misrepresentation of the intent of the voting public.

Both CEQA and NEPA require lead agencies to evaluate a reasonable range of project alternatives to the proposed Project. 14 Cal. Code Regs. § 15126.6; 40 C.F.R. § 1502.14. In general, for purposes of CEQA, project alternatives are chosen in light of the objectives of the project while avoiding or substantially lessening any of the project's significant effects. See 14 Cal. Code Regs. § 15126.6(a), (f). For purposes of NEPA, alternatives are chosen in light of the purpose and need for the project. See 40 C.F.R. § 1502.13. Underpinning the high-speed rail project is Proposition 1A, which requires the Authority to take into primary consideration rail alignments that use existing transportation corridors. The Draft EIR/EIS clearly demonstrates that the Authority has rejected this directive and otherwise evaluated a range of alternatives that does not satisfy CEQA or NEPA requirements.

- Page 2-20. The Draft EIR/EIS states that a UPRR/BNSF hybrid alternative (A4) was removed from consideration because it "departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agricultural lands. Doing so would have the potential to reduce the viability of surrounding farmlands, giving way to other uses such as transportation and utility

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infrastructure that could result in unwanted and unplanned growth patterns." Yet a new hybrid has been brought back into the Draft EIR/EIS which, contrary to the false statement on page 2-21, also departs from existing transportation corridors. The West Chowchilla Bypass Option, which is part of the new hybrid alternative, does not follow any transportation corridor, county easement, trail, or other such existing corridor. Instead, that option would be established through cultivated agricultural fields and would destroy water district and farmer water facilities essential to continued production of several thousand acres of productive agricultural lands.

- Page 2-20. The BNSF and Hybrid alternatives and wye designs, including the Avenue 21 alignment, that are proposed all depart from existing transportation corridors and also needlessly realign or destroy vital irrigation infrastructures. All of these proposals are completely in conflict with the objectives of *maximizing the use of existing transportation corridors* and rights-of-way and provide intercity travel in a manner *sensitive to and protective of the region's natural and agricultural resources* and reduce emissions and vehicle miles traveled for intercity trips, as set forth in Proposition 1A.
- Page 2-20. Because the Authority has decided to remove Alternative A4 from further consideration given that it departs from existing transportation corridors, impacts that would have resulted from implementation of Alternative A4 will be avoided. However, the BNSF and the new Hybrid Alternative that are effectively replacing Alternative A4 and are being carried forward for consideration will result in nearly the same level of impacts as Alternative A4. The Draft EIR/EIS inappropriately carries these alternatives forward, and then fails to evaluate their impacts on farmland, especially the additional losses of farmland that would result from unwanted and unplanned growth patterns triggered by these alignments. This sleight of hand by the Authority is nothing more than a bait and switch tactic.
- Page 2-21. The Draft EIR/EIS states that the BNSF Alternative³ has a lower level of impact on commercial centers. BNSF alternative goes through at least two unincorporated communities. Unincorporated areas depend on the surrounding agricultural economy which would be devastated and these unincorporated communities will fail. This effect is not addressed in the Draft EIS/EIR.
- Page 2-26. The No Project Alternative is described as the growth planned for the region as well as existing and planned transportation improvements. Since the

³ Page 2-61 of the Draft EIR/EIS states that the design option for the north-south alignment of the BNSF Alternative was created in "consultation with Merced County." Please provide documentation of that consultation.

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Project is a transportation improvement, the No Project Alternative should have been defined as no HST and that only other planned transportation improvements would be implemented between now and 2035.

- Page 2-26. The several pages worth of material discussing growth is irrelevant and introduces an unnecessary bias in the Draft EIR/EIS. As a result of the manner in which the No Project Alternative is defined, the impacts of the No Project Alternative are overstated in this Draft EIR/EIS.
- Page 2-96. The Draft EIR/EIS refers to the "Rapid Fire" modeling tool, and provides a number of predictions based on the use of that model. Several specific predictions are listed in bullet-point, including the prediction that the "Growing Smarter" scenario would reduce greenhouse gas emissions equivalent to adding a forest a quarter the size of California. No support, however, is provided for the use of the "Rapid Fire" modeling, such as the assumed projections and numbers for these growth predictions.
- Page 2-101. The Draft EIR/EIS lists all major permits and approvals. As the Project is likely to modify a floodplain, some approval from FEMA is likely required for the Project. However, FEMA is not listed in Table 2-16. The Draft EIR/EIS also identifies that a Section 408 permit from the U.S. Army Corps of Engineers would be required, but that approval is also not listed in this table.
- *Passim*. The Draft EIR/EIS does not adequately address the alternative grade separation crossings. These very large overcrossing (approximately 2700' long by 30' + tall) structures will have an additional visual, economic, and environmental impact on our rural lifestyle, as well as safety hazards, particularly during the fog season. They have the potential of taking up a significant amount of additional land.

E. The Topical Subject Areas Discussed in the Draft EIR/EIS Are Based on Incomplete and Inadequate Analyses.

The Draft EIR/EIS is fundamentally flawed because it does not include any supporting technical analysis in the Draft EIR/EIS itself, but instead requires the reader to dig through the mounds of technical reports attached to the Draft EIR/EIS in order to understand the analysis. Making matters worse, the Draft EIR/EIS does not point the reader to where that material might exist in the reports. A layperson with little to no expertise in the topical areas has almost no chance of actually locating the underlying analysis described in the Draft EIR/EIS. This is inconsistent with CEQA and NEPA principles of transparency. While data that is key to the analysis of an issue may be placed in a technical appendix, that data must be summarized in the body in the body of the EIR to ensure that the information is presented in a manner that will adequately inform the public and decisionmakers. Readers should not be forced to sift through appendixes to

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uncover information that is fundamental to the EIR's environmental analysis. See *San Joaquin Raport Rescue Crr. v. County of Merced*, 149 Cal.App.4th 645, 659 (2007); see also *California Association of Realtors v. City of Santa Clara*, 133 Cal.App.4th 1219 (2005) (noting the fact that critical information regarding a project's water supply was presented only in an appendix added to the final EIR, rather than in the text of the EIR, and explaining that information buried in an appendix cannot substitute for a reasoned analysis).

In addition, POH and its environmental consultants have identified a number of deficiencies in the topical areas discussed in the Draft EIR/EIS. The specific topical areas discussed below include Air Quality and Global Climate; Noise and Vibration; Electromagnetic Fields and Electromagnetic Interference; Biological Resources and Wetlands; Agricultural Lands; Cultural and Paleontological Resources; Socioeconomics, Communities, and Environmental Justice; Aesthetic Resources; Regional Growth; Geological and Hydrological; and Cumulative Impacts. The remaining topical areas, however, are also deficient and inadequate under NEPA and CEQA, and these include Transportation; Public Utilities and Energy; Hydrology and Water Resources; Geology, Soils, and Seismicity; Hazardous Materials and Wastes; Safety and Security; Station Planning, Land Use, and Development; and Parks, Recreation, and Open Space.

Given the deficiencies in all of the topical areas discussed in the Draft EIR/EIS, the Authority has failed to produce a Draft EIR/EIS that reflects a reasonable, good faith effort to disclose and evaluate the environmental impacts of the Project, or to properly identify and describe mitigation measures and alternatives related to the Project. In addition, the Authority has failed to take the requisite "hard look" at the environmental consequences of the Project. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376 (1988); *Kleppe v. Sierra Club*, 427 U.S. 390 (1976); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208 (9th Cir. 1998).

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I. Air Quality and Global Climate Change

Subsection 3.3.3.1 indicates that the on-road vehicle emission analysis was conducted using average daily vehicle miles traveled (VMT) estimates and associated average daily speed estimates using the California Air Resources Board (CARB) emission factor program, EMFAC2007. The section states that the current version of EMFAC2007 does not consider recent regulatory actions for improvements in vehicle fuel economy. Furthermore, the section acknowledges that the estimated 2035 on-road emissions would be lower if the recent regulatory actions were incorporated into the emission factors; however, the overall conclusions of this report would not change. While it is true that the overall conclusions of the analysis would not change, the Draft EIR/EIS overestimates the 2035 on-road emissions of criteria pollutants and greenhouse gases by an estimated 20 to 30 percent and thereby overstates the reduction in greenhouse gas emissions that would result with the HST.

The Draft EIR/EIS should be revised to include additional information regarding the improvement in corporate average fuel economy (CAFE) standards from recent regulatory actions that are not considered in EMFAC2007. Subsection 3.3.2.2 includes a discussion of Assembly Bill

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1493, which sets tailpipe emission standards for carbon dioxide (CO₂) from motor vehicles in California. After a series of litigation and initial denial of a Clean Air Act waiver by the United States Environmental Protection Agency (U.S. EPA), the State of California worked with the federal government to establish a single national CO₂ emissions standard for motor vehicles. In April 2010, the United States Environmental Protection Agency (USEPA) and the Department of Transportation (DOT) National Highway Traffic Safety Administration (NHTSA) issued a final regulation order establishing national standards for model year 2012 through 2016 passenger cars and light-duty truck. In 2012, passenger cars and light-duty trucks would have to meet an average emissions standard of 295 grams of CO₂ per mile and CAFE standards of 30.1 miles per gallon.⁴ By 2016, the vehicles would have to meet 250 grams of CO₂ per mile and 35.5 miles per gallon.⁵ This is compared to model year 2011 CAFE standards of 30.2 miles per gallon for passenger vehicles and 24.1 miles per gallon for light duty trucks (for a combined 27.3 miles per gallon).⁶ This information should be included in the discussion of Assembly Bill 1493 or in the discussion of federal greenhouse gas regulations, as it would be useful to the public and decision makers to understand that future condition emissions from on-road motor vehicles will decline on a per mile basis with or without the Project and that the EMFAC2007 generated emissions do not account for this decline.

The Draft EIR/EIS fails to disclose the severity of the Project's construction impacts. Construction-related air quality impacts are summarized in Table 3.3-7, Table 3.3-8, and Table 3.3-9. However, the tables only indicate whether the Project and alternatives would exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) annual California Environmental Quality Act (CEQA) significance thresholds and the annual General Conformity thresholds for the San Joaquin Valley Air Basin (SJVAB). The table does not provide the numerical emission estimates, forcing the reader to look for those numbers in the model printouts in the appendix. This is not appropriate as a layperson would not be able to find that information in the appendix. Secondly, without the numbers, it is impossible for the public and the decision makers to assess the severity of any potentially significant impacts. The Draft EIR/EIS should update Table 3.3-7, Table 3.3-8, and Table 3.3-9 with a summary of the numerical estimated emissions. For the same reasons, Table 3.3-29, Table 3.3-30, and Table 3.3-31 showing the mitigated construction impacts should be updated with numerical construction emission estimates. Without the numbers, the public has no way of determining what reductions would be achieved by the proposed mitigation measures.

Section 3.3.3.8 describes the methods for evaluating potential air quality impacts from material hauling. The discussion states that exhaust emissions from trucks used to haul material to the construction site were estimated using heavy-duty truck emission factors from EMFAC2007 and anticipated travel distances of these trucks within the SJVAB. However, it is not clear from the

⁴ U.S. Environmental Protection Agency, "Transportation and Climate, Regulations and Standards," <http://www.epa.gov/otaq/climate/regulations.html#finalR>, 2011.

⁵ *Ibid.*

⁶ Federal Register, Vol. 74, No. 59, March 30, 2009.

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discussion if the emissions from entrained road dust emissions were also included in the haul truck analysis. If entrained road dust emissions were not included in the analysis, the Draft EIR/EIS should be revised to include these emissions as impacts could be underreported for particulate matter.

Section 3.3.6 states that water demand is evaluated in Section 3.6 of the Draft EIR/EIS. However, it is not clear if the greenhouse gas emissions analysis in Section 3.3 account for indirect greenhouse gas emissions from this water demand. Section 3.3 should be revised to include a discussion of indirect greenhouse gas emissions from the Project's water demand and provide either a numerical estimate of the associated greenhouse gas emissions from water demand or demonstrate, based on substantial evidence, that such emissions would be minimal and would not substantially affect the conclusions in Section 3.3.

In addition, several of the mitigation measures identified in this section are inadequate or misleading. For example:

- *Mitigation measure AQ-MM#2* requires that the Project utilize low-VOC architectural coating achieving a 10 percent reduction in volatile organic compound (VOC) emissions. VOC emissions contribute to the formation of regional ozone, for which the SJVAB is nonattainment. Several architectural coating manufacturers have reformulated paints to levels that achieve even greater reduction in VOC emissions. These are known by the South Coast Air Quality Management District (SCAQMD) as Super-Compliant or Clean Air paints. Mitigation measure AQ-MM#2 should be revised to include the use of Super-Compliance or Clean Air paints if such paints are found to meet the needs of the Project.
- *Mitigation measure AQ-MM#4* requires the use of Tier 4 engines for off-road construction diesel equipment greater than 50 horsepower if such an engine is available for the particular piece of equipment. This measure should also specify that any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 certified diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. The measure should also require that a copy of each unit's certified tier specification, any best available (BACT) documentation, and any CARB or SJVAPCD operating permit be made available at the time of mobilization of each applicable unit of equipment.
- *Mitigation measure AQ-MM#7* requires that large stationary equipment (combustion equipment, paint booths, wastewater treatment, etc.) be implemented with best industry practices, or alternative equipment to the extent possible to reduce emissions of criteria pollutants. This measure should also require compliance with SJVAPCD BACT requirements.

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2. Noise and Vibration

The Noise and Vibration analysis in the Draft EIR/EIS is seriously flawed in that (a) it overlooks certain impacts; (b) identifies certain impacts as significant but does not provide any mitigation measures for those impacts; (c) finds an impact to be less than significant but does not provide substantial evidence in support of that conclusion, and (d) presents mitigation measures that are vague and uncertain, the effectiveness of which cannot reasonably be evaluated.

HST is a new source of noise for the Project area, and in fact for all of California as there is nothing like it in the state. However, information critical to the understanding of this new noise source is absent from the Draft EIR/EIS. Nowhere in the noise and vibration section of the Draft EIR/EIS or in the Noise and Vibration Technical Report is it reported how loud it will be as a very high speed train passes by, nor are any comparisons made to other sources to assist the reader in these most fundamental questions: "How loud will it be when the train goes by? What will it sound like?" The analysis is incomplete without this basic information. The assessment of impacts is grossly incomplete without a discussion and assessment of the single event noise, characterized by either the SEL (probably the best technical descriptor) or Lmax (more easily understood).

In evaluating construction noise, the Draft EIR/EIS uses FTA construction noise criteria. The federal lead agency is obliged under NEPA to respect local laws and ordinances. For example, Merced County has a noise ordinance that imposes restrictions on construction noise levels that are different from those provided by FTA. The Merced County noise ordinance also identifies an impact if construction activities increase noise levels substantially over ambient conditions (the same as the substantial increase test under CEQA). The noise analysis does not mention the County's ordinance and does not apply it for portions of the Project that would be constructed within unincorporated Merced County.

Page 3.4-10 describes the vibration criteria for HST operations. The criteria listed in Table 3.4-6 all relate to interference with interior operations and annoyance of building occupants. The Draft EIR/EIS does not report the criteria for property damage from vibrations generated by HST operations.

Page 3.4-13 lists the methodology and assumptions used in the analysis for train operations. The fourth bullet says that the track was assumed to be ballast and tie which is 2 to 4 decibels quieter than slab track. However, the Project Description says that it is possible that a slab track would be used in some sections (such as the aerial structures and creek crossings). Because of the ballast track assumptions, the noise impacts in the Draft EIR/EIS are underestimated by 2 to 4 decibels, which is a serious flaw. The Draft EIR/EIS should be revised to clarify where slab track might be used, and the noise levels for those portions of the alignment should be recalculated and reported. This analysis could potentially reveal that there are additional locations along the alignment where the impacts would be severe or significant.

The fifth bullet on page 3.4-13 states that the modeling used the full system schedule of conceptual train operations as outlined in Chapter 2. Chapter 2 does not provide any information

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on the number of daily trains that would operate on the Merced-Fresno section. That information is possibly buried in some appendix (which the Draft EIR/EIS fails to point to) making it very difficult for the EIR/EIS reviewer to determine what basic information was used in the impact analysis. This is a serious flaw of the Project Description section as key information that forms the basis of environmental impact analysis is not disclosed, making it impossible to determine whether the impacts are accurately analyzed in this Draft EIR/EIS.

Page 3.4-15. The first full paragraph describes a Type 1 project but the Draft EIR/EIS fails to provide a list of such projects so a reviewer can determine whether all Type 1 projects were duly evaluated for their noise impacts. A table identifying all Type 1 projects should be added to the Draft EIR/EIS and the noise analysis should demonstrate clearly that all Type 1 projects have been evaluated for their noise impacts.

Page 3.4-15. The noise and vibration technical report and the noise and vibration chapter of the Draft EIR/EIS fail to properly address the CEQA Appendix G standards of significance checklist questions related to the assessment of noise impacts. The first question in the CEQA checklist asks, "Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" In an attempt to justify the narrow approach used in the analyses, relying solely on thresholds established in the FRA and FTA guidance documents, the Draft EIR/EIS states the following regarding CEQA significance criteria in Section 3.4.3.5 on page 3.4-15:

The FRA noise and vibration criteria for evaluating effects under NEPA may be used as the CEQA significance criteria. In addition to these criteria, CEQA guidelines also define an impact pertaining to noise and vibration as considered significant if it would result in any of the following environmental effects:

Exposure of persons to or generation of noise levels in excess of standards for a severe impact established by the FRA for high-speed ground transportation and by the FTA for transit projects. These standards cover both permanent and temporary periodic increases in ambient noise levels in the project vicinity above levels existing without the project.

Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels."

These statements make no sense and misrepresent CEQA. The Draft EIR/EIS has simply restated the use of the FRA and FTA criteria, ignoring the essence of the CEQA checklist, where the primary thresholds to assess the significance of environmental impacts under CEQA are clearly those established in the local general plan or noise ordinance. Other thresholds such as those contained in the FTA and FRA guidance documents, may be used in addition to, but not as an

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alternative to, evaluation with respect to local standards unless a clear and compelling argument is presented explaining that the proposed thresholds are stricter than the local standards.

Page 3.4-2 of the Draft EIR/EIS purports to address regional and local general plans and noise ordinances. However, none of the standards set forth in the local general plans and ordinances are included. The reader is rather referred to the Noise and Vibration Technical Report. This report summarizes some of the noise-related policies and ordinances in an appendix, but only references this appendix in relation to construction noise and vibration, and does not apply the standards or explain why they were not used.

Local jurisdictions typically adopt absolute noise level thresholds for new transportation and stationary noise sources. For example, the City of Fresno's Noise Element of the General Plan, in Objective H-1, states the following: "Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise. Policy H-1-a-j states: "Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so that resulting noise levels do not exceed the adopted standards at noise sensitive land uses." The City also adopts its own relative thresholds in Policy H-1-b where it states,

For purposes of city analyses of noise impacts and for determining appropriate noise mitigation, a significant increase in ambient noise levels is assumed if the project causes ambient noise levels to exceed the following:

- The ambient noise level is less than 60 dB Ldn and the project increases noise levels by 5 dB or more;
- The ambient noise level is 60-65 dB Ldn and the project increases noise levels by 3 dB or more;
- The ambient noise level is greater than 65 dB Ldn and the project increases noise levels by 5 dB or more."

Local jurisdictions in the State of California adopt standards that are used to establish thresholds of significance. Local jurisdictions, in their noise element, or noise ordinance, also typically establish quantitative noise level limits for noises generated on one piece of property that may affect another property. In Fresno, for example, these standards are set forth in Table 9 of the City of Fresno's Noise Element of the General Plan and would be applicable to the assessment of noise impacts from the train station. The assessment in the Draft EIR/EIS is incomplete because local standards have not been considered. The Draft EIR/EIS fails to disclose whether the Project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.

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On page 3.4-16, the last sentence in the paragraph, states that the Screening Distances for operational noise were adjusted to match Project conditions, such as speeds of up to 220 mph, but the distances reported in the table were not adjusted for these speeds. They are the distances derived from 180 mph as given by the FRA. Based on the data contained in Table 4-3 of the FRA Guidance Manual, the difference in the Project speed of 220 mph and the reference screening speed of 180 mph would cause an expected increase in the SEL of 4 dB. According to Appendix G in the FRA Manual, an attenuation rate of 4.5 dBA per doubling of distance was assumed in calculating the screening distances. If this is the case, then the screening distances should have been increased by a factor of 1.85 to account for the increased noise expected as a result of the increased speed. The study area, or region of influence, developed based on the screening distances in the Draft EIR/EIS is, therefore, substantially smaller than it should be based on the Project operating conditions. This is a serious flaw in the analysis. The Draft EIR/EIS should be revised to reflect the correct study area and once the study area is corrected, it is possible that the analysis will show significant impacts at additional receptors along the alignments.

On page 3.4-16, the discussion regarding the Vibration Study Area, second bullet, uses a distance of 275 feet from the edge of ROW. The Draft EIR/EIS does not explain what the basis of this distance is. On page 3.4-17, all screening distances for vibration are focused on annoyance. There are no screening distance criteria or analysis provided for property damage.

On page 3.4-1 to 3.4-59, the Noise and Vibration section of the Draft EIR/EIS does not provide a cohesive discussion containing the information necessary to support the conclusions reached. For example, beginning at page 3.4-22, Table 3.4-10 presents several pages of summary tables of existing ambient noise levels data. But then in Section 3.4.5 Environmental Consequences beginning on page 3.4-28, no information is presented as to how those noise levels will change with the Project. The document simply jumps to the summary tables that summarize the total numbers of "impacts." There is no way for the public to understand the magnitude of the noise increases, particularly where severe impacts would occur. Are noise levels going to increase 5 dB, 10 dB, or 20-30 dB? The Noise and Vibration Technical Report, in some instances, reports noise level increases up to 32 dB in Tables 7-3 to 7-13, and this tremendous increase in noise is not mentioned in the Draft EIR/EIS noise section. This is a serious omission depriving the decision makers of critical information necessary to judge the significance of the effects and the likelihood that mitigation measures could reduce the impacts to a less than significant level.

On page 3.4-31, the discussion regarding the Common Construction Vibration Impacts contains an analysis of construction vibration impacts that is seriously flawed. Table 3.4-14 footnote states that the three categories are defined in Table 3.4-4. However, no categories 1, 2 and 3 are defined in that table. Assuming the categories that are being referenced are the same as the categories in Table 3.4-6, the numbers in Table 3.4-14 are referring to annoyance-related vibration impacts whereas the discussion above the table is about construction generated vibration effects on sensitive equipment for which no vibration level or vibration contour distances are provided. Based on this flawed analysis, the Draft EIR/EIS concludes that the construction vibration impact would be substantial under NEPA and significant under CEQA. Then the Draft EIR/EIS fails to identify a

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mitigation measure for this significant impact. No mitigation measures are identified for the significant impact to sensitive equipment or the annoyance impacts to sensitive populations near the construction sites. The Draft EIR/EIS lists a mitigation measure (N&V MM#2) for construction vibration impacts. However, that measure is focused on minimizing property damage, an impact that is not even analyzed or identified as a construction period vibration impact. The Draft EIR/EIS needs to be revised to analyze and report all types of construction vibration impacts (annoyance, property damage, and the effect on sensitive equipment) and it should provide mitigation measures for each impact that is found to be significant.

Page 3.4-32 includes three paragraphs that describe noise impacts with the East of Chowchilla design option. Each paragraph reports a different and conflicting set of numbers. Which numbers are correct?

Page 3.4-42 states that there would be two significant operational vibration effects of the BNSF alignment but that there would be no property damage. The Draft EIR/EIS does not identify any criteria for property damage from HST operational vibrations so how is this impact evaluated and this conclusion drawn? Note that Table 3.4-7 provides vibration criteria only for special buildings such as theaters and studios, and not for fragile historic structures (building damage).

On page 3.4-42, in the discussion regarding traffic noise, the Draft EIR/EIS states that the Project would require a relocation of SR 99 between Ashlan Avenue and Clinton Avenue in Fresno to accommodate the HST tracks. The document then acknowledges that because this shift in SR 99 is related to the Project, the potential impacts associated with this shift have been evaluated as a part of the HST Project. In the next paragraph, the document contradicts this statement by saying that there is not sufficient information available to conduct a "detailed" noise assessment for traffic impacts and then concludes that the impacts would be significant without stating how this conclusion was reached. If there is quantitative data available to support the presumption that projected noise levels would approach or exceed the noise abatement criteria, then these data should be stated clearly in the impact assessment. The two paragraphs addressing a major roadway realignment are insufficient for CEQA clearance of this element of the proposed Project.

The document makes the finding that the impact from the relocation of SR 99 would be substantial under NEPA and significant under CEQA, and yet no mitigation measures are recommended. The document, therefore, fails to identify mitigation measures as required by CEQA and NEPA, and reach a conclusion as to whether or not the impact could be mitigated to a less-than-significant level as required by CEQA. The failure to properly analyze the traffic noise impacts and the mitigation measures associated with the relocation of a segment of SR 99 is an omission in the noise analysis for the Project.

On page 3.4-44, the mitigation measure N&V MM#1 includes several bullets referencing nighttime hours but the Draft EIR/EIS does not define what hours would be considered nighttime hours.

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N&V MM#2 states that once a construction schedule is established, preconstruction surveys would be conducted at locations within 50 feet of pile driving to document the existing conditions of the buildings in case damage is reported during or after construction. Damaged buildings would be repaired or compensation paid. This mitigation measure does not adequately address buildings that are historic structures or potential historic structures; these structures due to their age, are typically the most susceptible to vibration damage. If a historic structure is damaged by construction vibration, repair and/or compensation will not mitigate the impact. The impact would be significant and unavoidable. The Draft EIR/EIS erroneously concludes a less than significant construction vibration impact after application of this faulty mitigation measure.

The last sentence on page 3.4-50 states "establish performance criteria to balance existing noise events and ambient roadway noise conditions as factors for determining mitigation measures." If performance criteria are to be established to mitigate impacts, those need to be presented in this Draft EIR/EIS and not deferred to another point in time.

On page 3.4-52, Table 3.4-25 demonstrates that after installation of sound barriers, UPRR/SR 99 alternative is the best alternative as it has the least remaining noise exceedances.

On page 3.4-52, N&V MM#4 needs to specify that the Authority *will* procure HST vehicles that minimize noise impacts. As stated, the mitigation measure is too vague and uncertain, and its effectiveness cannot be evaluated.

On page 3.4-58, Table 3.4-27 notes that Impact N&V#1 construction noise would be less than significant after mitigation. The Draft EIR/EIS does not provide substantial evidence showing how the proposed mitigation measures will be effective at all locations along the Project alignment in reducing the construction noise levels to be below the significance criteria indicated in Table 3.4-1. We believe that with the proposed rail construction, especially pile driving, daytime construction noise will exceed the levels noted in Table 3.4-1 and that the available mitigation measures will not be feasible in some locations and/or will not be capable of reducing noise levels to levels below the thresholds presented in the Draft EIR/EIS. The Draft EIR/EIS erroneously finds the impact to be less than significant.

The Noise and Vibration Technical Report and the noise and vibration section of the Draft EIR/EIS both indicate that an assessment of ground-borne noise is included in the documents, as required by the FRA and CEQA. Criteria are established for assessing the degree of ground-borne noise impacts. In fact, expected ground-borne noise levels and the impact of ground-borne noise are not discussed in either document. Page 3.4-11 states the following screening assumption: "Because airborne noise often masks ground-borne noise for above-ground (i.e., at-grade or elevated HSTs), ground-borne noise criteria apply primarily to operations in a tunnel, where airborne noise is not a factor. The Merced-to-Fresno alignment is planned to be aboveground. As a result for the Merced-to-Fresno corridor, ground-borne noise criteria only apply to buildings with sensitive interior spaces that are well insulated from exterior noise." There is no further mention of ground-borne noise in the noise section and no quantitative assessment of it in the Noise and Vibration Technical Report. The documents are therefore inadequate.

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Following on this same theme, the Noise and Vibration Technical Report also fails to provide the information that is necessary for a lay or technical person to logically follow through the analysis and judge its adequacy. It continuously falls back on the statement that the analysis was done in a manner consistent with the FRA High-Speed Ground Transportation Noise and Vibration Impact Assessment document. Failure to address ground-borne noise impacts makes one wonder in what other areas the FRA Guidance Manual were either misinterpreted or misused.

For example, the assessment of ground-borne vibration impacts is set forth in Chapter 7 of the Noise and Vibration Technical report. Charts showing projected maximum ground vibration levels as a function of distance from the future tracks are shown in Figures 7-6 and 7-7 on page 7-25. Impacts are then summarized in Tables 7-22 through 7-28, wherein vibration levels are projected at the various representative sensitive receptor locations to the near track. One should be able to back check these values against the data shown in Figures 7-6 and 7-7; but this is not possible because a very important step in the analysis was not explained or included in a way that the reader could understand. In fact, the numbers in the tables are for the maximum vibration velocity level in any one-third octave band. Unfortunately, these data were not included in the Noise and Vibration Technical Report, making it impossible to follow from the data that is included to the conclusions reached in the impact tables. This is a complicated analysis, but it can be simply explained with a few additional charts and tables. Otherwise, it requires a leap of faith to believe the results shown in the summary tables.

As another example of this issue, in Table 7-18 in the Noise and Vibration Technical report (page 7-28), in the Central Section at closest receptor distance of 64 feet resulted in a ground vibration level of 59 VdB at Deadman Creek to Dry Creek (north of Madera Acres, east Chowchilla design option with Avenue 24Y); whereas two rows below with the West Chowchilla design option, at a similar distance of 61 feet, the resultant ground vibration level was 70 VdB. This is a very large difference in ground vibration levels at comparable distances and deserves an explanation. What caused this difference? But there is virtually no discussion of any of the results to aid the reader in understanding this technical analysis.

The operational noise analysis similarly fails to include the necessary information for the public to understand or independently evaluate the analysis. In particular, general assumptions regarding train operations were presented on pages 6-1 and 6-2 of the Noise and Vibration Technical Report. The train schedules are included, but the resultant number of trains that were included in the modeling for each section of track during the daytime and the nighttime, which is one of the critical variables in determining the hourly average (Leq) and 24-hour day/night average noise level (Ldn), the basis for the impact assessment, were not included in the documents. Similarly, the sound exposure level (SEL), the fundamental building block of the calculation of hourly Leq and Ldn that would result from the train passbys was not included in the document for either the at-grade or elevated track sections.

In Section 6.1.1, third bullet, modeling assumptions are set forth that are not supported by information in the FRA Guidance Manual. Specifically, the propulsion source height is set at 2 feet above the rails. In referenced Table 5-2 of the FRA Guidance Manual, the two closest

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propulsion types are HS EMU with a propulsion source height of 10 feet and VHS Electric with a propulsion source height of 12 feet. If the propulsion source height has been underestimated, it would result in underestimating noise levels from the elevated track sections and in overestimating the effectiveness of noise barriers.

Figure 7-1 in the Noise and Vibration Technical Report (page 7-2) shows projected high-speed train 24-hour noise levels versus distance. The calculation of 24-hour noise levels is based on the number of trains that are assumed to pass by during the daytime, and the sound level generated by each passing train. This chart is for the at-grade section. It, however, does not specify whether it is for the section north or south of the proposed wye. Although insufficient information is included in the documents to determine the number of trains that would pass by in the various segments of the Project, it does appear that there would be a substantial difference in the number of trains north and south of the wye. This figure should, therefore, specify where it is applicable, and if it is only applicable to a specific segment of the Project, then additional chart or charts should be included for the other segments. Of particular interest would be another chart for the elevated track sections.

Other important information that is missing from the document, that should have been included in the tables of projected noise levels, are which of these figures would be applicable for each of those identified sensitive receptor locations and the SEL's at each location (modeling result Tables 7-3 through 7-13).

Information such as modeling inputs/outputs, necessary for any meaningful review of the technical work, was not included in the Noise and Vibration Technical Report. After reading both the EIR/EIS Noise and Vibration Section and 157-page Noise and Vibration Technical Report, the public still would not be able to determine how loud a passing train is expected to be and what it might sound like, how many trains are projected to go by during the daytime and the nighttime, whether or not the trains would be expected to awaken anyone or otherwise interfere with the use of property, the basis for important assumptions that affect the modeling results, if ground-borne noise is going to be a problem, anything meaningful about the noise impacts resulting from the relocation of a section of SR 99 in Fresno, and anything about how the Project-generated increase in ambient noise levels would compare to local standards established by the local jurisdictions in their General Plans and noise ordinances.

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3. Electromagnetic Fields and Electromagnetic Interference.

On page 3.5-5, The Study Area for Analysis identifies 200 feet on both sides of the centerline for EMF and 500 feet on both sides of the centerline for RFI as the study area but fails to explain what these distances are based on. This basic information should have been included in the Draft EIR/EIS. By limiting the study area to these distances, the analysis artificially limits the likely impacts of the Project.

The Draft EIR/EIS states that 9.04G (9,040 mG) is the EMF level above which instantaneous exposure would be harmful to humans but on page 3.5-5, the Draft EIR/EIS states

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that 2 mG is a typical EMF level from early epidemiological studies which showed that it is the lowest level of chronic long-term magnetic field exposure with no statistical association with a disease outcome. How do these two numbers compare?

Based on the instantaneous exposure criteria, the Draft EIR/EIS find the EMF health risk to be less than significant. But if 2 mG is the screening significance criteria for chronic health effects, then based on the numbers reported in Table 3.5-1 there are numerous locations along the alignment where that number would be exceeded, not just at the three health care facilities. Why would a resident living at 150 feet from the alignment not be at risk? The Draft EIR/EIS fails to adequately explain the likely EMF effects of the proposed Project.

Pages 3.5-14 and -15 discuss the effect of EMF on sensitive equipment and states that no businesses that could contain sensitive equipment are within the study areas. It is unclear whether the Draft EIR/EIS preparers checked with Mercy Hospital, Madera Community Hospital or the assisted care facility whether they contain any MRI equipment.

The analysis of corrosion impacts is non-specific and lacking in detail. It does not tell the reader how far out from the tracks this impact could occur. Also the discussion of this impact states that the Project would ground pipelines and other linear metallic objects in coordination with the owner or utility, and with the grounding, the impact would be less than significant. Chapter 2, which describes the Project, does not mention grounding as a component of the proposed Project (in fact it fails to mention even the grounding of the HST fences). Because grounding (especially of fences and pipelines belonging to other entities) is not and cannot be a part of the proposed Project, the Draft EIR/EIS should be revised to find this impact significant before mitigation and grounding of fences and pipelines belonging to other entities should be identified as a mitigation measure.

There are a number of dairies and poultry farms along the alignment. The EMF analysis fails to address the effects of EMF on livestock and poultry.

Page 2-13 describes the power grid and how it is expected to use very little power. The power is to be tapped every 30 miles, but the Draft EIR/EIS does not show where the facilities would be constructed. Absent the location, it is not clear whether the Draft EIR/EIS appropriately evaluated the EMF effects of the power facilities.

The Safety section reveals that there are between 11 and 15 schools less than 0.25 mile of the alignment with some within the ROW and others within 0.02 and 0.03 mile of the alignment, a fact that is glossed over in the EMF section of the Draft EIR/EIS. Based on their proximity, there potentially could be EMF issues at two or three schools. The Draft EIR/EIS does not analyze and report the effect on these schools which is a serious shortcoming of the EMF section. The State of California has a program to protect school children from EMF as a precautionary measure. The Draft EIR/EIS does not mention the program.

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4. Biological Resources and Wetlands

Overall, Section 3.7, Biological Resources and Wetlands, provides insufficient information for any decision maker to make an informed decision as the section lacks sufficient details for project-level analysis. Some of the details that are missing in the Draft EIR/EIS are found only in the Merced to Fresno Section, Biological Resources and Wetlands, Draft Technical Report prepared by AECOM and CH2M Hill (August 2011), which is not included as a technical appendix but is merely included as a reference.

This deficiency is exacerbated by the fact that this section is so poorly organized. The organization of the entire Section 3.7 Biological Resources is very confusing. For example under the heading 3.7.4.3 Native Fauna Assemblages, impacts to wildlife are discussed in general which is unnecessary here because this is the discussion of the Affected Environment. Secondly, even though the subsection is titled Native Fauna Assemblages, there are no "native fauna assemblages" described in the subsection. Because of the poor organization of the section, impacts are generally described without detail within the "Affected Environment" topic with sentences like "Construction of an alternative would impact reptiles and amphibians by removing breeding sites ...," for which Alternative would this apply, any or all?

On page 3.7-9 (Heading 3.7.4.2 Plant Communities) it is not clear why the section uses three different references to describe plant communities, yet only one of these references is typically used to describe plant associations included in current CEQA documents. A more common reference is List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database, September 2003, California Department of Fish and Game.

Page 3.7-10 to 3.7-11 do not clarify why the section uses the category of "Other Riparian" under which several plant communities are listed but none of which are described.

The information contained in Table 3.7-3 for special-status plant species cannot be verified because the Draft EIR/EIS does not include descriptions of suitable habitat for any special-status species. This is a serious flaw of Section 3.7 Biological Resources and Wetlands, as this information is available only in the separate Biological Resources and Wetlands, Draft Technical Report. The same criticism applies to Table 3.7-4 for special-status wildlife species; there is no description of habitat preferences included in the Draft EIR/EIS.

Starting on page 3.7-27, the discussion of wildlife movement corridors (Heading 3.7.4.6) is cursory and confusing. It is not clear whether all, a portion or a little of the discussion is based on the Spencer et al. 2010 reference and the discussion provides no clarification of whether Figure 3.7-6 Wildlife Corridors includes only the information from Spencer et al. 2010 (and Huber 2007) or also incorporates other references like Penrod et al. 2001.

Beginning on page 3.7-30, the discussion of Plant Communities (Heading 3.7.4.7) for each of the alternatives is very brief and cursory, providing almost no details on what plant communities are present or how many acres of each community is represented in the study areas.

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This is partially remedied starting with Table 3.7-5 (on page 3.7-47) but there is no cross reference to direct the reader. The opening discussion of the BNSF Alternative inaccurately dismisses the presence of vernal pools within the study area.

The discussion of Wildlife Movement Corridors (under Heading 3.7.4.10) on page 3.7-42 for the BNSF Alternative downplays the importance of the wildlife movement corridors with a matter-of-fact statement that the alignment crosses the Eastman Lake-Bear Creek ECA.

Starting on page 3.7-45, the discussion of agricultural lands as a land cover under construction period impacts is biased in the statement that these and developed lands are generally not productive habitat but this negates the importance of this habitat for special-status species such as San Joaquin kit fox, burrowing owl, Swainson's hawk and other raptors. For example, the discussion of Direct Impacts during Construction does not even list that agricultural lands will be impacted. The discussion of direct impacts has no quantification of impacts, which is only partially remedied starting with Table 3.7-5 (on page 3.7-47). As an example, the discussion of impacts to vernal pools in no way provides how many pools could be impacted or how many acres would be lost. Similarly, the impacts to Great Valley Mixed Riparian Forest would clearly result but there is no quantification of where those impacts would take place or how many acres are expected to be impacted.

Similar to the comments above regarding construction impacts to plant communities, the construction impacts discussion for special-status plant species, beginning on page 3.7-54, lacks detail regarding species that may be impacted, where those species may occur and how much of their population may be impacted. This is partially a result of the programmatic approach to this Project EIR/EIS with the assumption that all suitable habitat is occupied by the potential special-status species (see page 3.7-55), which completely lacks any project specificity for impacts. The statement "Appendix 3.7-A, Attachments 1 and 2, lists these species and discusses their potential for occurrence within each HST alternative" is completely misleading because there is no discussion in that appendix on habitat suitability for any of the special-status species. The Draft EIR/EIS is devoid of a discussion on habitat suitability for any special-status species, found only in the Biological Resources and Wetlands, Draft Technical Report.

Although it may be correct, we find it difficult to believe that the three project alternatives each have identical impacts to special status plant species. However, this is precisely what is written on page 3.7-55 as the discussion is word for word the same for each of the alternatives. This is not informative to the decision maker unless all alternatives are equivalent, which these are not.

Page 3.7-57 states that "No focus surveys were conducted for special-status wildlife species," which is unacceptable for a project level analysis. Assuming presence in all suitable habitats is unrealistic, as this does not allow a reader or decisionmaker to distinguish between the alternatives in regard to significant impacts.

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The statement that "Sensitive biological resources occurring adjacent to and within the construction footprint are expected to incur direct and indirect impacts from Project operation" on page 3.7-72 makes little sense. It is not clear why sensitive biological resources would be present within the construction footprint, as most would be dead or have left the area. It would seem that most operational impacts would be indirect through noise, vibration, light, and the presence of additional people at the train stations.

On page 3.7-82, under Direct Impacts, the text states special-status plants would be affected (trampled/crushed) by increased pedestrian activity. The increased pedestrian activity would be only at the two stations and at the HMF. The rest of the tracks would not be accessible by foot; they would be fenced, something that the Draft EIR/EIS section does not mention. Similarly, it is not clear how or why there would be these indirect impacts, such as erosion or introduction of noxious plants from increased human activity, during the project period. If this is referring to indirect biological impacts from population growth induced by the Project, that is not stated anywhere in the Draft EIR/EIS section.

The Draft EIR/EIS does a very poor job analyzing the effects of the Project on wildlife movement. It does not make it clear why the at-grade sections of the tracks pose a barrier to wildlife movement because it fails to mention the safety fencing that would go on both sides of the tracks where they are at grade. If safety fencing is not proposed, train and animal collisions need to be addressed in the Biological Resources section of the Draft EIR/EIS, which they are not.

Page 3.7-98 states that the HST project may result in a substantial impact to movement of resident wildlife, even with the design components in place. Yet the NEPA conclusion is a moderate impact. How does a substantial impact translate into a moderate impact? The two statements are inconsistent.

On page 3.7-99, the fourth full paragraph states that the West Chowchilla design option with Ave 24 wye includes only at grade crossings but the next sentence says it includes two multi-span bridges. Which one is correct?

Table 3.7-28 uses the terms high, moderate, and low to describe the ECA and wildlife corridor crossings but does not explain anywhere what those terms refer to. The text refers only to "high-valued crossings" but does not explain what that means, or how value was assigned to the crossings. The technical report also does not provide any more information on this item, making it impossible to assess the accuracy of the analysis.

The discussion of mitigation measures (Heading 3.7.6 beginning on page 3.7-105) is like many other aspects of the biological section in being brief, cursory or misleading. On page 3.7-106, the text under Heading 3.7.6.1 says that the following common mitigation measures *could* be implemented as applicable, and the text further reads that resource-specific mitigation measures *could* be implemented. Mitigation measures are not optional. The flexibility provided in the Draft EIR/EIS by the use of "could" is inconsistent with NEPA and CEQA which require that mitigation

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measures be binding on the Project. Other mitigation measures identified in the Draft EIR/EIS are similarly deficient:

- *Bio-MM#1* implies that by designating a project biologist to oversee the project implementation impacts to biological resources would be mitigated. This use of a monitoring biologist is a project design feature that does not provide for mitigation.
- *Bio-MM#2* provides access to the project site to regulatory agencies, which is not mitigation as the mere presence of a California Department of Fish and Game or a U.S. Army Corps of Engineers representative will not alone mitigate biological impacts.
- *Bio-MM#5* requires the preparation of a biological resources management plan as mitigation. However, there are no details as to what will be included in the management plan, which is completely inadequate as mitigation and is in fact a deferral of mitigation as no one can contemplate what the management plan will require from the lack of information in the Draft EIR/EIS. How would any of the biological resources be managed? This question cannot be answered from the content of the mitigation measure.
- *Bio-MM#6* requires the preparation of a restoration and revegetation plan, presumably for upland vegetation impacts, but there is a complete lack of details so this is a plan with no content and therefore incapable of mitigation.
- *Bio-MM#14* requires the completion of post-construction compliance reports which is not mitigation; a compiled report will not protect a kit fox from the impacts of a bulldozer.
- *Bio-MM#15* would require restoration of temporary riparian impacts but there is no timing requirement of when the restoration would take place, there is no list of appropriate species to be used for the restoration and there is no identification of where these temporary impacts would occur.
- *Bio-MM#16* is supposed to mitigate for impacts to protected trees, a term which is not defined in the document and for which a discussion of impacts is nowhere to be found in the Draft EIR/EIS. Plus the mitigation is to transplant trees that are in "good condition" (again undefined) but there is then no mitigation for a tree not in good condition. Also transplanting of trees requires a season or timing consideration, which is lacking in this measure.
- *Bio-MM#17* requires the conducting of pre-construction surveys for special-status plants species but this is again deferral of mitigation. There is mention for which

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special-status species in which suitable habitat these surveys should take place, but the discussion of suitable habitat is not included in the Draft EIR/EIS. Lastly, this measure states that avoidance of special-status species observed where feasible but no one could judge what is or is not feasible based on the lack of information in the document.

- *Bio-MM#18* requires the preparation of a salvage, relocation and propagation plan for impacts to special-status plant species. Again, this measure is general and provides no specificity as to what species would be covered and there is no criteria for when propagation would be appropriate or what kind propagation technique should be used.
- *Bio-MM#23* requires the translocation of California tiger salamanders and although reference to the US Fish and Wildlife Service field survey methodology, but there is no mention of the timing of surveys and translocation, which is critical because the species aestivates during summer and typically are only active during the brief breeding season after good rains. This measure will need to consistent with the requirements of the US Fish and Wildlife Service.
- *Bio-MM#25* requires surveys to be conducted for western pond turtle and possible relocation. Suitable habitat for this species is not common and it would have been very simple for focused surveys to have been conducted prior to the preparation of the Draft EIR/EIS. Because the suitable habitat is not common, there is no certainty that this mitigation is feasible because there is no assurance that suitable habitat might be available outside of the construction areas. Also, there appears to be no difference between *Bio-MM#25*, *Bio-MM#26* and *Bio-MM#27*; but why is there duplication of potentially infeasible mitigation measures?
- *Bio-MM#30* provides for the protection of raptors from project-related power lines. However, this impact is not discussed in the consequences section at all.
- *Bio-MM#43* requires the restoration of temporary impacts to jurisdictional areas through the use of stockpiled soil and appropriate plants and seed mixes. There are no further details in this measure and no way of knowing what "appropriate plants" would be as there is no list of species found within the study area in this Draft EIR/EIS.
- *Bio-MM#45* requires the installation of wildlife corridor undercrossings at designated locations shown on the construction drawings. There is no way of knowing where these undercrossings might be placed as there are no "construction drawings" found anywhere within the Draft EIR/EIS. This so-

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called mitigation has the potential of causing impacts that have not been analyzed since it cannot be known what the resources are at the location of the installation.

- *Bio-MM#46* requires the installation of "free-ranging mammal proof fencing along portions of the proposed project ... consistent with final design." The placing of safety fencing is likely to have a significant impact on wildlife movement. This impact is not analyzed in the Draft EIR/EIS.
- *Bio-MM#48* requires compensation for permanent riparian impacts, which will be determined in the future with the appropriate agencies. It is not possible to know how much compensation will be provided nor is it possible to know if 2:1 ratio is sufficient because the details of the impacts are not specified.
- *Bio-MM#49* requires unspecified compensation for impacts to special-status plant species, which are not known. This is not mitigation because the compensation is either to purchase habitat in a mitigation bank, for which it is not known that any exist for each species, or comply with unknown requirements to be included in a yet-to-be developed biological opinion. This is deferral of mitigation.
- *Bio-MM#50* (valley elderberry longhorn beetle), *Bio-MM#51* (California tiger salamander), *Bio-MM#52* (Swainson's hawk), and *Bio-MM#53* (burrowing owl) all require compensation for the loss of habitat of these species and all are deferral of mitigation since it cannot be known from the information in this document if any of the compensation is feasible.
- *Bio-MM#55* requires the delineation of jurisdictional resources but the preparation of a delineation report is not mitigation.
- *Bio-MM#58* requires the installation of artificial dens for large, non-predatory mammals; there are no design parameters, it is not possible know whether these dens would indeed provide protection against predation, and it cannot be known where these dens, or how many, will be placed because this is tied to *Bio-MM#45*, which is non-specific at this time.
- *Bio-MM#60* requires compensation for impacts to protected trees, which is an undefined entity and which has no quantification of what these impacts might be.

The analysis in Section 3.7 Biological Resources and Wetlands relies on information contained in Appendices 3.7-A and 3.7-B. Appendix 3.7-A contains lists of special-status species and the potential for occurrence. However, there is no information on habitat suitability or habitat preference for any of the plant or wildlife species included in the matrices. Therefore, it is impossible to verify accuracy of any of the determinations in this Appendix. Similarly, the information contained in Appendix 3.7-B, which contains acres of habitat impacted for special-

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status species, cannot be verified since nowhere in the Draft EIR/EIS is there a description of in what habitat a special-status species may occur. For example, Appendix 3.7-B identifies 7 to 9 acres of habitat impact for western pond turtle. This species requires permanent pools of water but there is no mention of pools or ponds anywhere in the Draft EIR/EIS. So would the 7 to 9 acres of potential impact be the loss of that acreage in water pools or surrounding upland habitat where the species nests?

The Safety section of the EIR/EIS mentions collisions and derailments but there is no specific mention of collisions with wildlife. It is unclear how the Authority will ensure that animal-rail collisions will not result in serious rail accidents along the route.

In conclusion, the Biological Resources and Wetlands chapter in the Draft EIR/EIS does not meet the requirements of CEQA or NEPA in providing sufficient project-level details in order to make any meaningful decision.

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5. Agricultural Lands

On page 3.14-6, section 3.14.3 states that Form NRSC-CPA-106 was completed in accordance with FPPA criteria to arrive at a total score for each HST alternative. The forms that were completed are not provided in any technical report or appendix to the Draft EIR/EIS making it impossible for a reader to logically follow through the analysis and judge its adequacy.

On page 3.14-7, in addition to the Important Farmland acreage converted, the Draft EIR/EIS does not list the NRCS farmland conversion score as a criterion to use in evaluating impacts under NEPA. This is insufficient for the NEPA analysis of the Project impacts to agricultural lands.

NRCS soil classification alone cannot determine the value of agricultural lands. The soil classification does not take into account major capital improvements made by landowners.

On page 3.14-8, section 3.14.4 describes dairies in the context of the regional agriculture, but there are also poultry houses in the area of the BNSF alternative that are not discussed in the Draft EIR/EIS. In addition, this section reports the agricultural production numbers for 2007. However, more recent numbers from 2009 are available that more accurately reflect current conditions. The Draft EIR/EIS should use these more recent numbers.

The farming community has repeatedly informed the Authority of its concern that the Project would interfere with existing aerial spraying practices and also affect pollination by bees. Nonetheless, impacts related to pesticide spraying and pollination are barely addressed on page 3.14-19 and only briefly addressed on page 3-14-23. No technical backup is provided to support these conclusions. Impacts to bee pollination due to vortexes caused by passing train could have significant economic loss to permanent croplands. The Draft EIR/EIS is silent on these impacts.

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On page 3.14-25 and 26, the EIR/EIS erroneously concludes that impact related to temporary utility disruption would be compensated through the right-of-way process, and that such disruption would not result in conversion of farmland. Even short-term disruption of irrigation systems can result in losses that may render the operation infeasible.

Pages 3.14-28 and 29 indicate that the UPRR Alternative has a FPPA score in excess of 160 in Madera County and the BNSF and the Hybrid Alternatives have scores in excess of 160 in Madera and Merced Counties, without reporting how much the number is exceeded or whether they are close to the maximum score of 260 points. The decision makers and the public need this information to get a sense of the severity of the Project's impacts and to understand the differences among the alternatives. The Draft EIR/EIS is simply devoid of this important information. We note that there is no technical report that addresses the agricultural resources impacts and there is no way a reader can verify the accuracy of the farmland conversion scores or the analysis summarized in the Draft EIR/EIS. Note that in the event that the score is greater than 160, the FPPA requires consideration of alternatives that avoid or minimize farmland impacts. The Draft EIR/EIS does not describe how the Authority will respond to or address the FPPA requirements.

In the Overview discussion in Section 3.14.5.1 of page 3.14-22, the Draft EIR/EIS provides no support that the Project will provide any substantial opportunities for focusing development on land that is already urbanized. For example, based on Merced County history and the General Plan Update that is currently being prepared by the County, it is unlikely that as a result of the HST growth will be focused in developed areas. Furthermore, the Draft EIR/EIS merely speculates that the No Project Alternative will result in farmland conversion.

Page 3.14-25 indicates that leasing land under permanent crops (as opposed to grazing lands and annual crops) will impact the landowner longer than the 1 to 3 year construction period lease mentioned in the Draft EIR/EIS. Furthermore, the BNSF Alternative is worse than the UPRR Alternative in this regard because more of the lands along that alignment are under permanent crops and therefore this so-called temporary impact would be worse along that alignment. The Draft EIR/EIS does not acknowledge this difference in impacts among the alternatives.

Page 3.14-27 discusses the permanent conversion and severing of parcels, and states that the neighboring landowner may want to buy up the land. This is highly speculative. The Draft EIR/EIS provides no support for the assumption that the parcel will be economical for acquisition.

Page 3.14-27 fails to present the total acreage of grazing lands affected by each alternative. This analysis would help the public better understand the Project's impacts on cattle farming and the dairy industry in the affected counties. NEPA requires an evaluation of a project's impact on the human environment – agricultural operations including orchards, row and field crops, cattle grazing, dairy farming, poultry farming, are all critical elements of the human environment particularly in the project area, where the existence of thousands of people depends on the continued success of these operations. The Draft EIR/EIS fails to cover all of these likely effects of the Project on agriculture.

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On page 3.14-31, the discussion of Parcel Severance states that it is assumed that "other remainder parcels are of sufficient size to maintain economic activity and are not at risk of conversion." The Draft EIR/EIS does not provide any information on these other remainder parcels (how many, of what minimum size, etc.) that would assure the reader that it is okay to assume that they would not be at a risk of conversion. There is no technical report prepared for agricultural lands impacts and there is no way to verify the accuracy of this assumption made by the Draft EIR/EIS preparers. We believe that the Draft EIR/EIS seriously understates the Important Farmland impacts of the alternatives by excluding these other remainder parcels.

On page 3.14-32, under the discussion of each alternative, the Draft EIR/EIS states that the alternative would close between 20 and 42 roads and farm equipment would not be able to use the detours, overpasses or underpasses. Yet the Draft EIR/EIS states that the impact would be negligible or less than significant. There is no basis provided for this conclusion. Instead of jumping to this conclusion which is not substantiated by any evidence, the Draft EIR/EIS should have listed all the farm properties that would be affected by these road closures so that the scale/magnitude of the impact could be ascertained. The Draft EIR/EIS should also have examined the economic effect of severing farm operations by closing roadways in this manner. The Draft EIR/EIS's analysis of road closure effects is completely inadequate.

The tables on pages 3.14-33 and 34 show hundreds of acres of protected farmland that would be converted as a result of the Project, yet the Draft EIR/EIS comes to the incredible conclusion that there would be no impact. According to the Draft EIR/EIS, conversion of more than 50 acres of farmland is a substantial depletion. How is the loss of hundreds of protected farmland "no impact?" This impact conclusion should be changed to substantial and significant.

The impacts discussed on page 3.14-35 to local dairies when lands are severed by rail alignments will be devastating. But the impacts on dairies are addressed in a very cavalier manner. The document states that dairies are not important farmland and therefore the impact on dairies would be negligible or less than significant. The text refers the reader to the discussion of economic impacts in Section 3.12 Socioeconomics. However, that section also provides a qualitative discussion of impacts on dairies with no attempt at quantifying the economic impacts of reduced operations or closure of some of the dairies due to the Project. For the dairy facilities that would be displaced by the Project, the Draft EIR/EIS fails to describe the cost and time that will be needed to locate them at a new location and possible additional problems with the re-permitting of mandatory waste water discharge permits. The permitting process could take years at the state level. The Draft EIR/EIS Agricultural Lands and the Socioeconomics sections do not even report how many dairies would be affected directly or indirectly. Page 3.14-35 describes noise impacts on dairy cattle but fails to mention any vibration effects which can affect milk production and detrimental EMF effects of the Project on dairy cattle.

The Draft EIR/EIS fails to discuss the effect of the HST embankments on drainage and the potential for ponding to increase and result in loss of crops and orchards that are not tolerant of ponding.

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The Project would convert between 1,000 to 1,500 acres of important farmland (depending on alternative) but the Draft EIR/EIS fails to reveal the number of agricultural jobs and the income that would be lost as a result of that conversion. The Draft EIR/EIS's evaluation of economic impacts or the extent to which those economic impacts would have environmental impacts is plainly deficient and inadequate.

Page 3.14.37 mentions wind induced effects and concludes no impact by emphasizing how short the duration would be (1 second) of the airflow. Because the Draft EIR/EIS does not report the number of trains that would operate on this section, the Draft EIR/EIS fails to report how frequently this event would happen along the alignment. This wind effect of the passing train will ultimately affect aerial and land spraying operations along the alignment because the regulatory agencies may not permit sprayed pesticides to drift off the property. The eventual elimination of farmable lands adjacent to rail alignments will result from the inability of the farmers to use proper agricultural practices.

The Project will result in a number of other economic and infrastructure impacts that are dismissed or not evaluated in the Draft EIR/EIS. For example, the proposed Project conflicts with existing Madera County General Plan and the Right to Farm Act adopted by Madera County. It will result in a substantial reduction in the agricultural tax base in that county. In addition, the proposed re-alignment of surface water delivery systems will seriously affect the operation of local irrigation districts. Access for daily maintenance would be problematic. Additional mileage due to grade separation and road closures will drive water cost up. These realignments will take up more agricultural lands, a loss that the Draft EIR/EIS fails to take into account. Moreover, road closures and grade-separated tracks will force farmers to drive one to two miles in order to reach other parcels of their farms. Currently parcels are accessible at ¼ mile section breaks. This will be an enormous additional cost to farmers. Finally, the HST will result in vibration and electrolysis effects on pipelines and agricultural irrigation wells, and those effects are not considered in the Draft EIR/EIS.

The mitigation measures in the Agricultural Resources chapter of the Draft EIR/EIS are inadequate. Notably, agricultural mitigation measures should be coordinated with the local landowner being affected with assistance from area farm organizations and agencies. Additionally, local affected landowners should have the option to have the Authority pay for development rights on the rest of their property ensuring that no additional lands will be taken for future non-agricultural development. In addition, the Authority should clarify that it will restore farmlands used for construction staging areas. Replacement and compensation for the loss of permanent crops should be documented.

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6. Cultural and Paleontological Resources

The Draft EIR/EIS fails to evaluate the Project's impacts on cultural landscapes, including rural industrial landscapes that may be present along the alignments and could be affected by the Project. (See, for example, the impacts discussion on page 3.17-59.) The Draft EIR/EIS also does not mention any effects of the Project on traditional cultural activities.

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Page 3.17-61 discusses the potential for construction vibration to affect historic properties/resources, and argues that the impact would be less than significant because the Project will develop avoidance measures to ensure no adverse direct or indirect effects. However, the Draft EIR/EIS fails to list the types of construction measures that could be used to ensure vibration levels are less than 0.12 ppv in/second at the exposed structure. The Draft EIR/EIS also does not provide details of potential historic buildings and their distance from the construction sites. Therefore, the reader cannot determine whether all impacts will be avoided or fully reduced. The Draft EIR/EIS does not provide substantial evidence that the impact will indeed be reduced to a less than significant level.

On page 3.17-62, the Draft EIR/EIS states that by constructing the Tulare Street overcrossing, the rail alignment would have an indirect adverse effect on the Southern Pacific Railroad Station (SPRR) in Fresno, and calls it a moderate effect under NEPA and a less than significant impact under CEQA. However the HST Fresno Station would be adjacent to the SPRR Station. The Draft EIR/EIS fails to provide an explanation as to why the construction of the new station will not adversely affect the historic significance of the NRHP-listed SPRR Station.

On page 3.17-71, in the first paragraph under Historic Architectural resources, the text states that because of the low vibration HST technologies, vibration impacts would be limited to within 45 to 50 feet of the HST corridor in urban areas. Analysis in support of this statement is not provided in this section or the Noise and Vibration section of the Draft EIR/EIS.

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7. Socioeconomics, Communities and Environmental Justice

On page 3.12-3, under the heading Economic Effects on Agriculture, the analysis does not focus on the reductions in agricultural incomes of the affected farmers but on the reduction in property tax revenues to the three counties. The title of the section is completely misleading.

Page 3.12-5 lists other sections of the Draft EIR/EIS that were considered in evaluating the Project's impacts on Environmental Justice communities. This list does not include EMF. As discussed above, the Draft EIR/EIS has failed to demonstrate that the Project will not result in significant EMF impacts on residential areas and schools. The Environmental Justice impact evaluation should also consider the EMF impacts of the proposed Project on communities of concern.

Page 3.12-5 notes that effects would be considered substantial if an alternative results in negative economic effects due to a reduction in tax revenue or employment in the cities and counties. However, the Draft EIR/EIS does not consider the loss of agricultural jobs in its analysis of economic impacts. This is a significant gap in the analysis. The Project may result in the substantial conversion of agricultural lands, which would put out of business innumerable farmers and others with agriculture interests.

On page 3.12-6, the study area for community resources is defined to be 0.25 mile of the centerline and 0.5 mile from the station but no explanation is provided as to why the Authority

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expects that there would be no impacts beyond these distances. That information needs to be added to the Draft EIR/EIS.

On page 3.12-36, Construction related tax revenues, the analysis states essentially that because the decrease in property values cannot be quantified, the impact is considered moderate under NEPA. The Draft EIR/EIS provides no support for identifying this impact as "moderate."

Table 3.12-11 on page 3.12-40 is misleading. The Draft EIR/EIS continues to understate the noise impacts of the proposed Project and incorrectly states that nearly all the severe impacts could be effectively mitigated under all alternatives. The analysis in the noise section shows that barriers would be able to reduce noise impacts at some locations where severe impacts would occur but there would still be 200 to 400 locations that would experience severe noise impacts as mitigation would not be feasible. Similarly, the Draft EIR/EIS focuses on visual change associated with aerial structures. However, the Draft EIR/EIS fails to mention blight, an undesirable visual change that typically characterizes urban development adjacent to railroad corridors. Blight can often result from the disinterest of property owners in maintaining their properties that flank the tracks. The Project will increase the potential for blight in the Project study area.

On page 3.12-43, the Draft EIR/EIS states that the elevated guideway would negatively affect property values in Le Grand and would have the potential for physical deterioration (the source of this impact is not explained in the document), but then argues that the impact under CEQA would be less than significant because the Project's social effects are not treated as significant impacts on the physical environment under CEQA. That is inaccurate. Physical deterioration of buildings is a physical impact and not a social impact. The CEQA conclusion should be potentially significant and mitigation should be provided for this impact.

Page 3.12-45 discusses residential displacement impacts and notes that mobile home parks would be affected. Mobile home parks are very specific land uses that cannot be easily relocated. This housing is also often low income housing. The Draft EIR/EIS generally states that there are sufficient residential properties and construction of new housing would not be required. The Draft EIR/EIS does not provide substantial evidence that displaced mobile homes would be able to find home sites in other mobile home parks.

The Draft EIR/EIS is inadequate as a project level document in the amount of information it provides the reader. For example, Table 3.12-13 presents the residential displacement impacts by lumping all types of residential units together. To be meaningful to the public and the decision makers, the Draft EIR/EIS must report the details of types of housing affected (single family, multi-family, mobile home, senior housing, etc.) and the number of units of each type of housing affected. This information would help the public and decisionmakers understand the relative ease/difficulty there would be in finding replacement housing for the displaced population. The broad-brush analysis in this Draft EIR/EIS does not reveal the severity of the impacts, nor does it provide the reader enough information that he/she can use to evaluate the effectiveness of the proposed mitigation measures. Put simply, the Draft EIR/EIS is inadequate as a full disclosure document.

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Pages 3.12-51 and 52 admit that the studies focused on property value impacts of transit projects did not focus on property values impacts in the areas between the stations. Absent any meaningful studies, the Draft EIR/EIS should include an independent analysis of the property value impacts outside of the station areas by consulting with realtors and other knowledgeable persons. Railroad noise is known to depress property values and blighted areas always have property values that are lower than other areas in the same community. Instead the EIR/EIS argues that the areas along the alignment are already impacted and therefore "the potential for lower property values is low" and the impact is negligible. The Draft EIR/EIS improperly downplays this impact.

Page 3.12-53 suggests that businesses that are displaced by the elevated guideway could relocate under the guideway once the construction is complete. This is incorrect. Parking and some recreational uses are perhaps the only land uses that could be relocated under the guideway due to EMF and other concerns.

The discussion on pages 3.12-53 and 54 regarding the Project's impacts on the agricultural industry is completely inadequate as it does not present the full extent of the economic impacts of the proposed Project. The only numbers that are reported are the acreages of Important Farmland that would be converted. While that is a major component of the Project's impact on agriculture, that is not the full story. The Draft EIR/EIS does not estimate and report the loss of direct and indirect agriculture-related jobs and income, and thereby provides no sense of the severity of the impact. The loss of income from impacts to the dairies and poultry facilities, an economic impact, is not reported. The Draft EIR/EIS states that related economic sectors would experience short-term multiplier effects but does not explain why the impacts would be short term. If 1,500 acres of Important Farmland and hundreds of acres of grazing land are converted, agricultural operations are disrupted, orchards are flooded, and numerous dairy and poultry operations are displaced or interrupted, how can the multiplier effects be short term? The Draft EIR/EIS's conclusion is without any basis or support.

On page 3.12-55, Table 3.12-17 indicates that even though property acquisition impacts would be predominantly borne by environmental justice communities, with mitigation the impacts would not be more severe for these communities than the effects on non-environmental justice communities. The fact of the matter is that if a project with numerous adverse effects is proposed in an area that contains high concentrations of environmental justice communities, as does the Project area, then that project has a significant environmental justice effect. The Draft EIR/EIS should admit to such an impact, rather than argue that the impact would not be more severe than the impact on non-environmental justice communities. Of the 38 census blocks along the alternative alignments, only 5 include no environmental justice populations in high concentrations.

The table on page 3.12-56 notes that impacts of employment losses would be negligible. As the Draft EIR/EIS fails to quantify what those losses will be, it does not provide any evidence as to why the losses will be negligible. In addition, since the Project is affecting predominantly minority and low income areas, the brunt of the employment impact will be on environmental justice populations.

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On page 3.12-57, the Draft EIR/EIS continues to understate the residual noise impacts of the Project. Depending on alternative, between 200 and 400 severe noise impacts are expected to remain unmitigated and environmental justice communities would be significantly adversely affected by the train noise.

On page 3.12-59, under the heading Environmental Justice Conclusion, the Draft EIR/EIS states that the primary impacts on environmental justice communities would relate to property acquisition impacts and visual impacts. That is not true as the Project will result in numerous other adverse impacts such as job losses, blight, and severe noise levels and all of these impacts will be borne mainly by environmental justice populations because all alternatives travel through environmental justice areas. The Draft EIR/EIS states that the offsetting benefits of the Project should be considered. We believe that the offsetting benefits of the Project will not accrue to the Project's environmental justice communities. The HST will largely serve metropolitan areas and usage by local population is expected to be minimal. To the extent, the Project results in new jobs, there is no assurance that those jobs will go to locals, especially the local environmental justice populations. Indeed, the Draft EIR/EIS admits that these jobs would not go to local environmental justice populations as they may not have the skills, but does not offer any mitigation such as a "hire locally" program for Project construction and operations to address this issue.

Several mitigation measures in this section are deficient:

- *SO-MM#5* is deferred mitigation. Public outreach to obtain feedback on impacts and mitigation measures should have been done as part of the EIR/EIS preparation process. In addition, if mitigation measures are still to be developed based on public input, then there is no way of determining whether the Project's impacts will be fully addressed by the limited number of mitigation measures listed in the Draft EIR/EIS.
- *SO-MM#6* presents mitigation for displacement impacts in the Environmental Justice communities of Franklin-Beech, Le Grand, and Fairmead, including "consideration" of replacement housing to keep the residents in their communities. This mitigation measure is vague in that it requires the Authority to "consider" and not actually construct replacement housing. Secondly, the Draft EIR/EIS does not report the number of residences displaced in these Environmental Justice communities which makes it impossible for a reader to understand the severity of the impact and the feasibility of constructing replacement housing within these communities. The Draft EIR/EIS further states that there would be no secondary effects of these mitigation measures. However, there could be secondary effects if a large number of replacement homes are constructed. Because of the lack of any data, the veracity of the statements in the Draft EIR/EIS cannot be confirmed.

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8. Aesthetic Resources

On Page 3-16.27, the Traction Power Distribution Stations column suggests the Authority does not know the sizes and spacing of these stations. They expect "landscaping" and or fences to "screen" these. In the Aesthetic section page 3-16-62, the Draft EIR/EIS concludes that these "screens" would make the impact less significant. If the sizes of the features are not known, how will landscaping or fencing be adequate to screen them? (Page 2-13 also talks about the "mast poles" that will be 23.5 feet above the rail, but these are not mentioned in the Aesthetic section.)

780-15

9. Regional Growth

As an initial matter, the analysis in this section of the Draft EIR/EIS estimates Project-related construction employment and income assuming 5 years of construction. This is inconsistent with the Project Description in Chapter 2, which states that the Project will be constructed over 7 to 12 years.

The discussion in the Project Impacts section, subheading Induced Population Growth, is too vague and generalized for analysis. Moreover, this discussion is irrelevant to the population growth that the Project would induce. If the position taken by the Authority in this discussion is that the direct and indirect jobs created/supported by the Project would be filled by persons already in the area, and hence there would be no induced population growth, then it is not clear why the next section (Land Use Consumption) states that the induced population growth associated with the HST would require an additional 7,845 acres of land beyond what is needed to accommodate the forecast population under the No Project Alternative. The entire analysis of the Project's growth impacts is convoluted and unclear.

The Regional Growth section does not address the impact of the Project-induced population growth of 78,500 additional residents in the three-county area on water consumption. The issue is not even mentioned. The Utilities section does not mention water consumption by these 78,500 persons. The EIR/EIS analysis is inadequate as it does not assess or disclose this impact which is a critical issue in the Central Valley.

It also does not appear that the Authority has prepared a water supply assessment pursuant to Cal. Water Code § 10910. The Project qualifies as a "project" for purposes of this section and therefore, the Authority was required to prepare a water supply assessment for the Project. Because it has not done so, the Authority has failed to comply with the Water Code.

780-16

10. Geological and Hydrological

The Draft EIR/EIS's Geology Section dismisses the potential for subsidence to affect the HST by simply stating that in the Project area subsidence has been on the order of 1 foot and that in the future subsidence will not be an issue as groundwater withdrawals are controlled to minimize subsidence. The Draft EIR/EIS is inadequate because it provides no data showing that the subsidence in the area is 1 foot. Notably, the Draft EIR/EIS does not indicate what data was used

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for this analysis. Furthermore, the Draft EIR/EIS does not take into account what is being done to control groundwater withdrawals in the area.

The Hydrology section of the Draft EIR/EIS mentions the Central Valley Flood Protection Act of 2008 which requires protection against a 200-year flood. While that act is not in full effect at this time, HSR should plan for that higher level of protection. According to the EIR/EIS, the HST has been planned only for a 100-year flood.

780-17

11. Cumulative Impacts

Page 3.19-4 lists cumulative foreseeable projects. This list is incomplete. For example, the tables do not list the Merced County General Plan or the City of Merced's recently updated General Plan. The growth reflected in these documents should have been used in the analysis of cumulative impacts.

On page 3.19-12, the second full paragraph discusses HAPs associated with the HMF at Castle. The analysis presented in this paragraph is not a cumulative impact analysis; it is simply a restatement of the Project's impact. A true cumulative impact analysis would include the combined effect of all existing, proposed, and reasonably foreseeable future sources of HAPs.

III.
CONCLUSION

POH is deeply committed to the good stewardship of our state's agricultural lands and natural resources. The analysis in the Draft EIR/EIS is disappointing, as it fails to adequately and accurately define the Project and evaluate all of the environmental impacts related to the Project. The Draft EIR/EIS is inadequate under NEPA and CEQA because it fails to consider the context in which the Project impacts would occur, and in numerous cases fails to report the intensity of the impact. It also fails to bring out the differences in environmental impacts among the alternatives, which is information that is critical for the decisionmakers. Finally, it defers the analysis of Highway 152 wye to a later and separate EIR/EIS, and otherwise improperly segments the Project.

The Authority and the FRA have failed to properly discharge their duty under CEQA and NEPA, respectively, to produce a Draft EIR/EIS that reflects a reasonable, good faith effort to disclose and evaluate the environmental impacts of the Project, to properly identify and describe mitigation measures and alternatives related to the Project, or to take a "hard look" at the environmental consequences of the Project. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376 (1988); *Kleppe v. Sierra Club*, 427 U.S. 390 (1976); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208 (9th Cir. 1998). At the very least, the deficiencies identified by POH should be remedied, and the Draft EIR/EIS recirculated for an additional round of public review and comment.

Furthermore, it is clear that all of the alternatives will have substantial adverse environmental impacts, especially on agricultural resources, the ambient noise environments,

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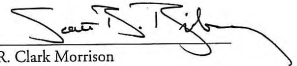
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environmental justice communities, biological resources, schools, and transportation. Our region will suffer the adverse effects of this Project without receiving any of its supposed benefits. We therefore urge the Authority to reconsider the I-5 corridor for the HST project. It is in the interest of the State of California to do this project right rather than push forward with a project that will waste valuable public funds and benefit no one.

Sincerely,

COX, CASTLE, & NICHOLSON LLP

By: 
R. Clark Morrison
Scott B. Birkey

cc: Governor Jerry Brown
Senator Darrell Steinberg
Senator Mark DeSaulnier
Senator Alan Lowenthal
Senator Joe Simitian
Senator Anthony Cannella
Senator Doug LaMalfa
Assemblymember John Perez
Assemblymember Cathleen Galgiani
Assemblymember Bonnie Lowenthal
Assemblymember Diane Harkey
Congressman Dennis Cardoza
Congressman Jim Costa
Congressman Jeff Denham
Congressman Devin Nunes
Merced County Board of Supervisors
Madera County Board of Supervisors

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The comment suggests the 60-day public review period for the Draft EIR/EIS was too short. The CEQA Guidelines provide that the public review period for an EIR of this type be a minimum of 45 days, but generally not longer than 60 days. The CEQA Guidelines recognize that in unusual circumstances, the lead agency may choose a longer public review period. The FRA's NEPA regulations likewise require a minimum of 45 days. The Authority and FRA have balanced the public's request for a longer comment period with the needs of the project and selected a 60-day comment period, which complies with both CEQA and NEPA. See also MF-Response-GENERAL-7 and MF-Response-GENERAL-17 regarding the Draft EIR/EIS public review period and the public outreach during that period.

See MF-Response-GENERAL-19 for a discussion of the HST job creation. The project will generate a substantial number of construction jobs during the several years of construction. It will also provide new jobs once in operation for administration, operations, maintenance, and security personnel. Agricultural jobs tend to be temporary in nature -- one reason for the cyclical unemployment increase in the San Joaquin Valley during the winter when the season is slow and decrease in unemployment during harvest and processing seasons. In contrast, the jobs generated by the HST operation would be full-time, permanent jobs.

780-2

The EIR/EIS is not post-hoc rationalizations. The comment appears to misread the milestone schedule provided in the Preface to the Draft EIR/EIS. The Preface indicates that a Final EIR/EIS will be released in early 2012 and that it will include identification of a preferred alternative, but that final decisions under CEQA and NEPA will be made following the release of the Final EIR/EIS. The Preface also indicates that land acquisition will take place only after final decisions are made.

780-3

The TPSS sites are generally described in Chapter 2, Alternatives. Precise locations are not shown in the graphics in Chapter 2 because they are small enough that they would not show at the level of detail in the figures (they will be bumps in the width of the right-of-way). The areas identified for the future TPSSs are shown as part of the project area in Appendix 2-B and are reflected in the environmental impact analyses.

780-3

Regarding the vacant housing inventory and growth analysis, see MF-Response-GENERAL-3. The text of the FEIR/EIS includes a new discussion of the anticipated effect of SB 375 sustainable communities planning in reducing the potential for future sprawl.

The secondary impact area referred to by the comment was included on the figure in error. It was extraneous in that the impact analysis considered both the direct and indirect (i.e., secondary) effects of the alternative station locations.

The communities of Sharon and Kismet are very small and therefore were not mentioned in the impact sections. The impact analyses included all areas through which the proposed alternatives might pass, including very small communities.

The ridership numbers represent a good faith effort at projection and were prepared by a reputable consulting firm that specializes in that field. See MF-Responses-GENERAL-6.

Operation of the HST is several years in the future and operational details are not finalized at this time. For purposes of analysis, the EIR/EIS assumed up to 120 daily trips by 2020, 260 daily trips by 2026, and 339 daily trips at operation of the full system. These assumptions are discussed in Section 2.6.1.

Regarding the expected reduction in traffic at the stations as station-related development occurs, the stations will be multi-modal and will thereby facilitate transit access, reducing the need for passengers to drive to the station. In addition, improved access will reduce the need for workers and residents within the developing areas around the stations to drive. This is borne out by evidence that mixed use, denser development is more likely to generate transit trips than low-density single-use or low-density mixed use development (see *Growing Cooler: The Evidence on Urban Development and Climate Change*. Urban Land Institute, Washington D.C. 2008. Chapter 4.)

Construction will take a number of years, with the Initial Construction Segment to be completed by 2019. Refer to MF-Response-GENERAL-6 for a discussion of the relationship between the EIR/EIS and the draft Business Plan.

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780-4

The comment suggests the project and the EIR/EIS have been piecemealed in violation of CEQA and NEPA because the determination on the east/west connection and wye will be made as part of the San Jose to Merced EIR/EIS process. We disagree with the comment. The Merced to Fresno high-speed train project includes the north/south alignment, stations, the heavy maintenance facility, and the east/west connection to the San Jose to Merced section of the high-speed train system with a wye. These project components are described in Chapter 2 and the alternatives to them analyzed in Chapter 3. The EIR/EIS analyzes east/west connections along Avenue 21 and Avenue 24 and related wye alternatives for the UPRR/SR 99 alignment, the BNSF alignment, and the hybrid alignment. The east/west connection and wye component of the project has not been piecemealed from the environmental analysis. Chapter 2 does explain, however, that the lead agencies will stage their decision making to allow for additional study of a third east/west connection and wye along SR 152 prior to the east/west connection and wye decision being made. This approach provides for an expanded environmental analysis and consideration of alternatives. In addition, because the three north/south alignment alternatives are compatible with each of the three east/west connection and wyes (Avenue 21, Avenue 24, and SR 152), the decision on the north/south alignment does not improperly constrain or pre-determine the decision on the east/west connection and wye. Also see MF-Response_GENERAL-16 and MF-Response-GENERAL-22.

780-5

The comment generally claims the Draft EIR/EIS inappropriately defers environmental analysis and development of mitigation measures for key project elements. As described in the CEQA Guidelines, an EIR must disclose a project's significant effects on the environment and must describe feasible mitigation measures which could minimize a project's significant adverse impacts. NEPA regulations require an EIS to discuss means to mitigation a project's adverse environmental effects. Neither NEPA nor CEQA allow for a lead agency to defer development of mitigation measures until after project approval. Where, however, an EIR/EIS identifies multiple mitigation measures to mitigate an impact, but additional planning or information is needed to determine which mitigation measures are appropriate for implementation, the EIR/EIS can identify that the lead agency will meet a specific performance standard through one or more of the available mitigation measures. The details of exactly how the

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performance standard will be achieved under the identified measures can be deferred pending completion of further study and planning. As explained in the *Sacramento Old City Association v. City Council* CEQA case, "for [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process ..., the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated." (*Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028–1029 internal citations omitted.)

With regard to staging areas, the location of these features have not been determined at this time. As a design-build project, the location of staging areas will be left to the contractor. Staging areas are expected to be located within the project area surveyed and analyzed in the EIR/EIS and will be subject to the applicable project design features and mitigation measures described in the EIR/EIS. Dirt to construct the berms would be obtained off-site and brought to the construction site. The truck trips for delivery have been considered in the transportation analysis.

Similarly, the location of concrete batch plants are not known at this time. Performance standards for these plants are included in the air quality and noise mitigations.

If it is determined by the Authority and its contractor, during Final Design, that there will be project elements to be constructed outside of the Area of Potential Effect (APE) that was studied and approved as part of the EIR/EIS, then additional studies will be required and must follow the guidelines and terms specified in the project's Memorandum of Agreement (MOA). This document lays out a clear process for the steps necessary to ensure that cultural resources are taken into consideration within any new project impact areas. The Authority and FRA also disagree that certain mitigation measures constitute deferred mitigation without performance standards, see MF-Response-GENERAL-1. Numerous of the mitigation measures have been refined in the Final EIR/EIS to clarify the applicable performance standards (including published standards), provide additional detail (e.g., the required contents of traffic and construction management plans), identify the agency with responsibility for performance, and specify methods of implementation. Note that the Section 404 permit being obtained from the USACE (in conjunction with issuance of the ROD by the FRA) includes detailed requirements for biological and habitat mitigation, including a detailed implementation plan. In addition,

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the Section 106 NHPA process being undertaken in conjunction with the EIR/EIS will result in a binding MOA and related historic and archaeological resource treatment plans to ensure, beyond the additional specific mitigation measures set out in the EIR/EIS that impacts on historic and archaeological resources will be minimized. Regarding the impacts of the Wyes, see the response to comment #2677.

780-6

See MF-Response-GENERAL-1 and MF-Response-GENERAL-2. The Statewide High Speed Rail Program Final EIR/EIS evaluated the proposed statewide HST system except the Bay Area to the Central Valley. In this document, the identified preferred alternative was the BNSF corridor. While the Bay Area to the Central Valley Program Final EIR/EIS subsequently identified the UPRR/SR99 Corridor as the preferred alternative, this did not supercede the original Statewide Program Final EIR/EIS. The development of these alternatives for the Merced to Fresno section in the tier 2 EIR/EIS process has included identifying sensitive resources and designing to minimize and avoid impacts. Sensitive resources include not only agriculture and natural resources, but also residents and businesses that would otherwise be exposed to increased levels of noise or subject to displacement and relocation. This is described in Chapter 2 of the EIR/EIS. As the comment references, these and other alternatives developed during the tier 2 EIR/EIS meet NEPA and CEQA's intent for the process to review a reasonable range of alternatives that meet the purpose and need of the project. Both the BNSF and the UPRR/SR 99 Alternatives, as well as each alternative considered during this process, travel between Merced and Fresno and provide connections with the large statewide HST system project.

Alternatives must the purpose and need, but also must offer some reduction in one or more significant environmental impacts in relation to the other alternatives. The earlier Hybrid (A4 Alternative), later referred to as the Crossover Alternative, was dismissed for multiple reasons. It deviated from existing transportation corridors without providing other advantages. It traveled out of direction; the curvatures were inefficient for both HST travel and would result in unnecessary property impacts; it resulted in additional crossings of Waters of the US (the USACE seeks to minimize impacts to Waters of the US in determining the "least environmentally damaging practicable alternative" for issuance of a Section 404 CWA permit - the project will require such a permit and the

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preferred alternative for the HST project must conform to the selected LEDPA); and resulted in longer travel times between key destinations along the statewide HST mainline. The HST mainline, per Proposition 1A, is the connection between San Francisco and Los Angeles. From the Bay Area, this alternative traveled north-east before traveling south-west.

The current Hybrid Alternative was introduced because it provides distinct advantages beyond the other alternatives under consideration. It is less HST miles than the BNSF Alternative while not creating new crossing of Waters of the US and it avoids impacts to the Madera and Chowchilla communities that the UPRR/SR99 alternative would cause. Each of the alternatives include curves necessary as part of the Wye connection to join the North South HST train movements with the East-west travel, as in Ave 21 Wye and the Ave 24 Wye. The West Chowchilla Design Option grew out of the Ave 24 wye for a net reduction in HST track length of 11 miles, while accomplishing the same travel objectives. This is explained in length in chapter 2 of the EIR/EIS. In other areas of the alternatives, such as the BNSF and Hybrid Alternatives, the east-west crossing to the BNSF corridor does require traversing agricultural lands that do not have large arterial or major roadways. To the extent possible, these alternatives are using a alignments parallel to the agricultural property lines and rural roadways in order to minimize the effects of these connections to the existing transportation corridors.

The EIR/EIS evaluated impacts on Chowchilla and Madera's commercial centers from the UPRR/SR99 Alternative as well as impacts on other rural communities, such as Le Grand and Madera Acres from those alternatives that travel along the BNSF corridor. Project impacts on small unincorporated communities are disclosed in the impact sections of the EIR/EIS and, in particular, in Section 3.12, Socioeconomics, Communities, and Environmental Justice. Commercial centers is a term referring to job and business displacements whereas affects along the BNSF corridor are recorded as community affects in the Socioeconomic resource section 3.12. Agricultural effects of all alternatives are documented in the Section 3.14.

The No Project Alternative is based on reasonably anticipated growth under current planning assumptions, without the HST project.

The Vision California effort, which has developed the land use model "rapid fire," is an

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activity supported by the state of California. The model named, "rapid fire" is not an absolute prediction of future circumstances, it merely balances multiple economic and development scenarios by adjusting land use values and development advantages. The result is different patterns of development and density. More information about the "rapid fire" model has been added to Section 2.7.1, High-Speed Train, Land Use Patterns and Development Around High-Speed Train Stations of the EIR/EIS. You can also refer to the complete Vision California report for more details about the assumptions used in the model (<http://visioncalifornia.org/index.php>).

Table 2-16 lists all necessary permits from each federal and state regulatory agency. Effects to the water flows in streams and floodplains is regulated by the Central Valley Flood Control Board on behalf of FEMA. There is only one flood control project within the limits of the Merced to Fresno Section alternatives. However, none of the HST alternatives would affect the flood protection structure and therefore only a minor 408 permit would be necessary for other stream crossings. These permits are required to confirm that HST waterway crossings would not increase the normal high water flows of any streams of major waterway. The visual and aesthetic resource section evaluates the existing visual quality and project effects of the HST Alternatives. This section recognizes that the elevated profile and large crossings can block vistas and views. The impacts are evaluated in the context of the existing visual quality of the surroundings.

Overcrossings required as part of the HST project are included in the project footprint and have been included in the impact analyses. Refer to Appendix 2-B of the EIR/EIS for the footprint superimposed on aerial photographs of the alignments, Specific mitigation measures have been included in Sections 3.3, Noise; 3.16, Aesthetics and Visual Resources; and 3.12, Socioeconomics, Communities, and Environmental Justice to address the impacts associated with overcrossings. See also MF-Response-VISUAL-1 and MF-Response-VISUAL-3. Overcrossings will meet all design standards for road improvements of that type, which include consideration of sight distance, grade, alignment, curve radius, guard rails, and other safety features.

Supporting technical information was available to the public. Pursuant to both CEQA and NEPA, the EIR/EIS provided information to the reader necessary to an informed understanding of the project, the significance of its potential impacts, and mitigation measures and alternatives to reduce those impacts. The EIR/EIS does not include all

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referenced studies and cited references. To do so would make the document so large as to be unwieldy. All supporting information was available either on the Authority's website or upon request to the Authority.

780-7

1. Air quality impact analysis of the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, using reasonable forecast data, and agency approved emission factors and tools. As new standards are being developed, some of the emission factors for future years may overestimate the emissions. The EIR acknowledges that existing models do not account for higher auto emissions standards, notes that the project benefits as compared to the no project scenario would be lower if such higher standards were accounted for in the models (given that vehicle emissions per mile will be lower under the new standards), but that the net conclusions of the analysis (i.e., that the project operation will still reduce emissions and have a net benefit to air quality) will not change. That is sufficient for CEQA, which focuses on adverse environmental impacts.

2. Discussion added to Section 3.2.2.1 regarding EPA and NHTSA final regulations on GHG.

3. Summary tables with detailed emission rates were presented in Tables 7-23, 7-24, and 7-25 in Section 7.10 of the Air Quality Technical Report of the EIR/EIS.

4. While re-entrained dust may affect localized short-term air quality levels (and these impacts are therefore sometimes analyzed on a microscale basis), re-entrained dust from construction-related vehicles traveling on major highways should not affect regional emissions. The truck traffic will cause the dust on the roadways to become temporarily airborne, majority of the dust will then re-settle. Trucks traveling on the highways to and from the construction sites therefore are not expected to generate measurable amounts of new re-entrained dust.

5. Neither the construction nor operation of the HST project will have any significant impact to the water supply systems currently supplying water to area around the HST project, nor have any impact to the State water supply system as a whole. See MF-

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Response-Water-4. Clarification has been added to the Final EIR/EIS. The project will lead to reductions to water demand, and the associated GHGs emitted from moving that water (e.g., local diesel water pumps and electricity plants powering electric pumps).

The project calculations for its operational reductions to GHG emissions do not take credit for these reduced GHGs from reduced water use, but could have; the calculation therefore underreport the project's operational benefits/reductions to GHG emissions.

6. The project will comply with any San Joaquin Valley Air Pollution Control District best available control technology requirements required by law.. Also see MF-Response-AQ-7 for responses regarding the air quality mitigation measures.

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The EIR/EIS properly applies the FRA and FTA noise and vibration criteria for evaluating the noise and vibration effects of the proposed California HST system in the Merced to Fresno area. See EIR/EIS, Section 3.4 for a discussion of the anticipated noise levels in the vicinity of the HST. This includes comparison levels of other land uses, including diesel trains. The sound of the HST as it passes will be dependent upon the adjoining environment. Buildings may block or reflect sound, depending upon their orientation. Ambient levels of sound may mask the sound of the passing train, in some situations.

The Authority and the FRA have determined it is appropriate to apply the FRA and FTA noise and vibration criteria to the analysis of potential noise and vibration impacts from the project. There are no state adopted noise and vibration criteria applicable to this project, and, as a federal and state project, local noise and vibration regulations do not apply. State law provides to the Authority exclusive authority for the planning, construction, and operation of a California high speed train system (Cal. Public Utilities Code, section 185032, subd. (a)(2)).

As a general matter the state and its agencies are not subject to local building, zoning and other plans and regulations. The state as sovereign has supreme authority within its bounds, except as limited by the U.S. Constitution, and the state's immunity from local regulation is an extension of the concept of sovereign immunity. When the state engages in sovereign activities, such as the construction and operation of facilities, it is

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generally not subject to local regulations. Therefore, the local plans and ordinances of Merced County, Fresno County and the City of Fresno, including provisions restricting construction noise and identifying local noise thresholds, do not apply to the California high speed rail project. The Authority, however, will be working closely with local government entities along the ultimately selected alignment to mitigate impacts from the project and to realize community benefits from the project; and it may choose under some circumstances to follow certain local rules, such as in its mitigation commitments or in conjunction with future joint development agreements or in future Memoranda of Understanding/Agreement with local government entities.

See MF-Response-NOISE-3, MF-Response-NOISE-5, MF-Response-NOISE-6, MF-Response-NOISE-7, and MF-Response-NOISE-8.

The criteria for potential damage due to ground-borne vibration (GBV) are given in Section 3.4.3.3, Impact Assessment Guidance, in Table 3.4-2 titled Construction Vibration Damage Criteria. The maximum projected GBV levels from HST operations at a sensitive receptor for any of the project alternatives is 76 VdB, which does result in an impact based on human perception and annoyance. A vibration level of 76 VdB is 14 dB below the criterion for potential damage to even the most fragile buildings that are extremely susceptible to vibration damage. While this vibration level would be perceptible for humans, it is well below the threshold for even minor damage to very sensitive buildings.

Potential noise and vibration impact has been assessed in the EIR/EIS including ballast-and-tie track for at-grade portions of the alignment and slab track for aerial structure portions of the alignment, consistent with updated design information. The Final EIR/EIS reflects this refined analysis. The new analysis did not result in a change in the significance findings in the EIR/EIS.

Chapter 2 discloses the number of trains expected to run when the system is in partial and full operations, based on preliminary information. Because operations are still years in the future, final schedules are not available.

The preliminary full system schedule used for purposes of the noise analysis can be found in Section 6.1.1, Train Operation Noise, of the Noise and Vibration Technical Report. The Noise and Vibration Technical Report states the total number of trains used

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for daytime and nighttime hours used in the noise analysis for various sections of the system. For areas along the proposed alternatives where trains from the San Francisco to Los Angeles schedule will be located, 52 daytime and 8 nighttime trains in each direction were assumed without stopping and 42 daytime and 6 nighttime trains in each direction were assumed to stop at the Downtown Fresno Station. For areas along the proposed alternatives where trains from the San Francisco to Sacramento schedule will be located, 5 daytime trains and 1 nighttime train were assumed without stopping and 14 daytime and 2 nighttime trains in each direction were assumed to stop at the Downtown Merced Station. For areas along the proposed alternatives where trains from the Sacramento to Los Angeles schedule will be located, 10 daytime and 2 nighttime trains in each direction were assumed without stopping and 14 daytime and 2 nighttime trains in each direction were assumed to stop at the Downtown Merced Station. All of these trains would stop at the Fresno Station.

Appendix G of the State CEQA Guidelines is a model checklist for environmental analysis. As stated in the checklist itself, "[it] is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances." The sample questions "do not necessarily represent thresholds of significance." For the reasons explained in Section 3.4.3, the Authority has chosen to use somewhat different criteria from those outlined in Appendix G. In this case, it makes no sense to relate significance to local noise standards if those standards do not apply to the project. This approach is not misrepresenting CEQA, as the comment suggests, but rather disclosing that the approach differs from the model set forth in Appendix G.

The relocations of local roads were determined not to cause substantial changes in noise levels, based on current information. Many of the local roadway relocations proposed with the HST project would not result in substantial changes in noise levels because the noise levels generated from traffic on these roads are significantly less than the projected levels for the HST. Further, field observations and existing noise measurement data show that noise levels generated from traffic on local roadways are not the dominant noise sources in the existing noise exposure. The existing noise exposure throughout most of the study area is dominated by train traffic on the UPRR and BNSF alignments and by highway traffic noise on SR99. As highway traffic noise on SR 99 is a significant contributor to existing noise levels for sensitive receptors near SR 99, the SR 99 relocation was further analyzed in the EIR/EIS.

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In the detailed noise impact tables in the Noise and Vibration Technical Report, such as Table 7-3, "Detailed Noise Impact Results for the UPRR/SR 99 Alternative North-South Alignment without Mitigation (2035)," the range of increases in Ldn represents multiple receivers located at various distances from the alignment. For example, in Table 7-3 in the central section with the West Chowchilla design option with Avenue 24 Wye, there are increases up to 29 dB which occur at receivers that are both located within 100 feet of the alignment and have low existing noise levels, resulting in severe impacts. In this same area, at receivers located farther from the alignment, typically more than 1,000 feet away, the noise level increases range from 2 dB to 6 dB, resulting in no impact.

Table 3.-4-14 in the EIR/EIS, "Approximate Distances to Vibration Criterion-Level Contours," was meant to refer to Table 3.4-3 for land use category descriptions and has been corrected in the FEIR/EIS.

The impact numbers in Section 3.4 of the EIR/EIS summarize the impacts along different sections of the UPRR Alternative. These numbers together total the ranges of impact given in Table 3.4-15, "Potential Noise Impacts under the UPRR/SR 99 Alternative without Mitigation for Design Year 2035."

Further details on recommended mitigation for the SR 99 relocation were presented in Section 7.3, Traffic Noise Impacts, of the Noise and Vibration Technical Report. As more detailed information has become available, the Final EIR/EIS has been updated to include more detailed information on the noise assessment and mitigation recommendations for the SR 99 relocation.

Nighttime hours are defined in Section 3.4 of the EIR/EIS under the Ldn description.

Due to the large number of receptors assessed for noise and vibration, it is necessary to summarize the results of the assessment and present the ranges of noise and vibration levels experienced in different areas. With many varying operations and track structure details for the HST project, there are variances between noise and vibration levels in areas that might have otherwise similar conditions. For example, In Table 7-18 in the Technical Report, the projected vibration levels in the central section are presented based on the varying design options. The maximum level for the East Chowchilla design

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option with Avenue 24 Wye is more than 10 VdB less than the West Chowchilla design option with Avenue 24 Wye maximum level because the track is on aerial structure for the East Chowchilla design option and hence the projected vibration levels are lower. For vibration assessments, 10 VdB is often subtracted from the vibration level where the track is on aerial structure as the structure absorbs some of the vibration.

Ground-borne noise (GBN) is not typically assessed for at-grade corridors as GBN is masked by the airborne noise from the HST and other existing noise sources. Additionally, the necessity to assess GBN can be determined by the maximum GBV level for the project. With a maximum vibration level of 76 VdB for the corridor, applying the FRA guidance manual conversion from vibration to GBN results in GBN levels that are below the impact threshold and therefore there would be no GBN impact.

The effective source height of propulsion noise from electric multiple-unit HSTs used in the assessment is based on research of the state-of-the-art information on noise and vibration emissions. In fact, the primary propulsion equipment on EMU trains (i.e. traction power motors and cooling systems) are located underneath the passenger compartment of the vehicles and data have shown that the effective source height is lower than information provided in the FRA Guidance Manual, 2005.

The figure presenting the projected 24-hour sound level versus distance uses general project assumptions, and is provided for informational purposes only for to illustrate the rate at which the project Ldn from the HST decreases as the distance from the HST alignment increases. The data in the figure are representative of a typical at-grade section of track between Fresno and the wyes, where there is the highest number of trains per day.

See MF-Response-NOISE-7.

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The distance of 200 feet is the distance the modeling shows is where the EMF level has decayed to a low level. The distance of 500 feet is the distance at which the EMI will have similarly decayed to a low level. Beyond these distances, exposure to EMF/EMI from the HST would be minimal and should be of no concern. See section 3.5.3.4 of the

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EIR/EIS for a description of the study area.

The two levels of exposure of 9,040 mG and 2 mG are derived from two different areas of science. The IEEE Standard 95.6 of 9,040 mG is derived by determining the level of electrical current that can safely be induced in the human body from exposure to these levels of magnetic fields. This exposure has been identified to incorporate an adequate margin of safety for members of the general public.

The 2 mG level was used in previous childhood epidemiological studies to divide between higher and lower levels of magnetic field exposure. This 2 mG level was a convenient place to divide the exposure data so that sufficient numbers of homes would be in each exposure group to allow for statistical analysis of the data. Some of these studies showed a modest association between magnetic fields and the occurrence of various forms of childhood cancer. Other similar studies did not show such an association. Scientists have not been able to demonstrate a biological link between exposure to these low levels of magnetic fields and any adverse health outcome. Accordingly, the 2 mG level was simply used by these earlier studies as a place to divide the exposure data for statistical analysis and is not necessarily a threshold of higher risk of childhood cancer. Therefore, while it is true that the 2 mG level of exposure will occur some distance from the HST right of way, it is not correct to imply that there is any sort of risk to be exposed to this level of magnetic fields.

In making EMF/EMI measurements along the Merced to Fresno right of way we identified hospitals, senior living facilities, medical laboratories or industrial facilities that may contain sensitive equipment. We did identify Mercy Hospital, Madera Community Hospital and the Bel Haven Care (Assisted Living Center) as possibly containing equipment that may be potentially sensitive to magnetic fields. If these facilities do contain sensitive equipment either the HST will be routed at a sufficient distance to result in low EMF at these facilities that will eliminate the concern or any sensitive equipment will be shielded. We did not locate any medical labs or industrial facilities that could house potentially sensitive equipment. See the discussion in Section 3.5.5.3 for a discussion of sensitive equipment.

Grounding is a part of the HST design. The grounding of pipelines and fences along the right of way was discussed because of the potential for low levels of current and voltage

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to be induced in these types of structures. Potential corrosion is not an issue since the HST will run on 60 Hz alternating current and corrosion is more of an issue when the current is direct current. Buried pipelines are already grounded as will be any metal fence along the HST right of way that is supported by metal posts. Only wire fences that are supported on wooden posts may be ungrounded. Due to the low level of voltage in the overhead catenary and negative feeder (± 25 kV) the levels of induced current and voltage will also be small and will not cause a significant impact to even ungrounded fences that occur outside of the HST fence. See the discussion in Section 3.5.5.3 of the EIR/EIS under nuisance shocks.

There will be no significant impact from EMF to livestock and poultry along the right of way. Previous studies (Amstutz and Miller, A Study of Farm Animals Near 765 kV Transmission Lines, The Bovine Practitioner, November, 1980) have shown that even at EMF levels much higher than those from the HST, that there is no effect on herds of beef or dairy cattle or swine. We are not aware of any poultry facilities being located along the proposed right of way but even if there were we are not aware of any studies that have shown that exposure to these low levels of EMF will be detrimental to poultry flocks.

The final locations of the traction power substations are generally known. The location of these traction power substations are not near sensitive receptors within the corridor so there will be no impact from the substations on sensitive receptors.

Traction power substations will have higher levels of EMF within the fence of the substations. Only trained HST employees will have access to these fenced areas. Members of the public will be excluded from these fenced facilities and the fenced right of way itself. Outside the substation fence, the EMF levels are low except where the catenary and negative feeders exit to the fenced HST tracks. The high voltage utility power transmission lines that feed the substation will have elevated EMF levels along their entire length from where they connect from the utility electric grid to the substation, but the levels of EMF will decay to a low level within 200 feet of the lines.

The California Department of Education, California Code of Regulations, Title 5, Section 14010(c) sets minimum distances for siting power line easements from school facilities: The minimum distance is 100 feet for a 50- to 133-kV line, 150 feet for a 220- to 230-kV

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line, and 350 feet for a 500- to 550-kV line. The standard applies specifically to power line easements; however the Authority is also applying it to the HST as stated in Section 3.5.2.2 of the EIR/EIS. We have evaluated the proximity of schools to the HST right of way. None will be close enough to be affected by the EMF from the HST, because the HST will operate below these voltage levels.

The EIR/EIS evaluates the proximity of schools to the HST right of way. None will be close enough to be affected by the EMF from the HST. The standard in California to protect children from EMF has been adopted by the Authority for the HST project, as stated in Section 3.5.2.2 of the EIR/EIS. The standard applies specifically to power line easements; however the Authority is also applying it to the HST. The rules will apply to the 115 kV electric utility transmission lines that supply the traction power substations.

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See MF-Response-BIO-1, MF-Response-BIO-2, MF-Response-BIO-3, MF-Response-BIO-4 and MF-Response-BIO-5.

As stated in section 3.7.1, the EIR/EIS summarizes detailed information and significance findings of the Merced to Fresno Section Biological Resources and Wetlands Technical Report (BTR). The BTR is available on the project website at <http://www.cahighspeedrail.ca.gov/draft-eir-m-f.aspx>.

Section 3.7.4.3 provides a description and a reference to native fauna that may not be affected by the HST project and references the BTR for the native fauna observed. It is acknowledged that the text in this section of the Draft EIR/EIS discussed effects to native fauna, and those portions of the discussion has been moved to Section 3.7.5, Environmental Consequences. This is a general discussion that applies to all build alternatives.

The section uses a number of established classifications that offer different levels of specificity. Approximate relationships of vegetation classification systems can be found in Table 4-1 of the BTR.

Updated information about the plant communities listed under the category of "Other

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"Riparian" is provided in section 3.7.4.2 of the EIR/EIS.

Regarding Tables 3.7-3 and 3.7-4, the referenced BTR document is publicly available and is listed as a supporting document for the EIR/EIS. The EIR/EIS summarizes detailed information and significance findings of the BTR.

The source of the information of Figure 3.7-6 is shown at the bottom of the figure.

An updated reference to Tables 3.7-5 through 3.7-24, found in section 3.7.5.3, is provided in section 3.7.4.7 of the EIR/EIS. These tables provide acreage for terrestrial and aquatic communities potentially affected during the construction and project periods of each alternative.

There is a statement that the BNSF crosses the ECA in Section 3.7.4.10. This section discusses the affected environment. However, Section 3.7.5.3 discusses the environmental impacts of the project, including effects on the ECA.

The discussion focuses on native plant communities for the impact analysis. The discussion does not exclude the agricultural designation from the analysis but emphasizes native plant communities and associated native wildlife habitat. The quantification does include agriculture as some species do utilize such habitat for dispersal or forage. The plant community/habitat affinity for special interest species, for example, can include some designated uses under the agricultural classification and are defined for those species. For specific data on special status species and habitat affinity included acreages please refer to Appendices C-1, C-2 and D of the BTR. Section 3.7.5 Environmental Consequences of the EIR/EIS quantifies in acres the construction and project period impacts.

The discussion does include reference to each alternative and the potential to effect the special-status plant species confirmed in Table 3.7-3. Specific habitat affinity is recognized. Specific detailed information on plant species, range, habitat preference, etc are identified in the BTR.

As stated in first paragraph under Special-Status Plant Species on pages 3.7-54 of the Draft EIR/EIS, the range of effects to the species are presented in detail in Appendix

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3.7-A, Attachments 1 and 2. All alternatives do have the potential for effects, the appendix provides the acreages between each of the build alternatives.

The EIR/EIS has made assumptions that all suitable habitat is occupied by the pertinent wildlife as a reasonable worst case condition and the mitigation/compensatory commitment is commensurate with those acres of direct and indirect effects. Field reconnaissance surveys were conducted in all areas where access was granted. Surveys cannot be done where access was not granted, hence the need to make assumptions regarding areas that cannot be entered. Direct and indirect effects during the construction and project period are addressed for wildlife and are discussed in Section 3.7.5, Environmental Consequences, with more details for each of the alternatives.

Sensitive species with limited mobility, such as salamanders or nesting raptors, for example, may be within the construction footprint at the beginning of construction. The EIR/EIS notes that they would be adversely affected unless mitigation measures are implemented. Corresponding mitigation measures requiring pre-construction surveys are necessary in order to avoid an adverse affect on these species.

Operational impacts may directly affect special-status species by causing mortality as they attempt to cross through the train right of way. The right of way will be fenced and this interruption of wildlife movement may increase predation or cause wildlife to take alternative routes that pose greater risk. Mitigation measures that provide safe passage for wildlife will be implemented to minimize this potential impact.

During operation, maintenance vehicles and/or crews may potentially introduce noxious plants as they perform routine maintenance within HST right of way, thereby affecting special-status plants. Mitigation measures would be implemented to minimize this potential impact.

Wildlife movement corridor implementation is discussed in Section 3.7.7, Mitigation Measures, under BIO-MM #46-47. Wildlife exclusion and permeability will be addressed within the MSIP through the strategic utilization of fencing and underpasses appropriate to specific special- status species. Permeability will be situated to connect areas of suitable habit and/or specific landscape features (i.e. vernal pools, washes) as feasible

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with project requirements. Fencing will be designed to minimize train related mortality for wildlife species, particularly special-status species (e.g. California tiger salamander, San Joaquin kit fox, golden eagle). Fencing will work towards guiding wildlife towards suitable passages.

The HST project may result in a significant impact to movement of resident wildlife under CEQA and a moderate effect under NEPA.

The at-grade crossings are within the Eastman Lake Conservation Area while the bridge spans are associated outside of Dutchman Creek. The whole West Chowchilla with Avenue 24 Wye design option has two multispan bridges but none located within ECA.

As stated in the BTR, these values were assessed qualitatively based on their apparent openness factor (see through factor or degree of openness) which would be reflected in the design treatment. The project is not promoting tunnels or vegetated overpasses but structures in riparian corridors or waterway as landscape linkage treatments. Other factors considered in the value was the landscape cover leading to the crossing as well as adjacent land uses. They are ranked for low, moderate and high value as well within the technical report and summarized in the EIR/EIS.

The terms "feasible" and "could" do not weaken the measure but do allow the Project Biologist some flexibility to more carefully, effectively and accurately incorporate the measure where and when the activity occurs. This is particularly important since this will be implemented by a design/build contractor and flexibility is essential as the design refinement process takes place. The terms "practicable" and "as appropriate" are also warranted in the measure for the same reasons "feasible" is used above. The measure identifies some of the resources that qualify for temporary or permanent protection and the Project Biologist will carry out the intent of the measure understanding the location of the resource and its phasing, as well as the construction limit boundary.

BIO-MM#1: The Project Biologist role is clearly defined in Section 3.7.6. The Project Biologist is not part a PDF, but an active part of the monitoring.

BIO-MM#2: This measure is descriptive for agency access and is clearly defined.

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BIO-MM#5: This is intended to be a tool during project implementation phases to provide the Project Biologist with a comprehensive list of measures, terms and conditions that apply to the project. As stated in the measure... "In the BRMP, organize the biological resources mitigation measures and terms and conditions to help facilitate their implementation. Oversee the implementation of the BRMP and prepare compliance reports to document implementation and performance." This is a plan to help ensure implementation of the measures and is best written after permit conditions are known and the preferred alternative has been selected.

BIO-MM#6: The measure clearly defines its application to uplands. The plan will provide details pending locations of temporarily disturbed areas.

BIO-MM#14: Compliance reports document the mitigation as reported during the mitigation monitoring and reporting program during final design/build processes. These reports document adherence to mitigation and permit compliance.

BIO-MM#15: The measure refers to the HMMP, please review BIO-MM#56.

BIO-MM#16: The measure is included to address the preservation of urban forests as discussed in the City of Merced's *Vision 2015 General Plan*, Open Space, Conservation, & Recreation Goals, Policies, and Actions. Also see BIO-MM#62.

BIO-MM#17: This measure provides direction to conduct surveys in order to avoid impacts to wildlife which may have entered the construction area. Species are only special status and these are not intended to be habitat surveys. Also see MF-Response-BIO-5.

BIO-MM#18: This measure provides direction for the salvage, relocation propagation of only species that are special status. Also see MF-Response-BIO-3.

BIO-MM#23: The measure clearly indicates the protocol (USFWS 2003) will be followed.

BIO-MM#25 (BIO-MM#26 in the Final EIR/EIS): The measures indicated are clearly defined and segmented for mitigation compliance documentation.

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BIO-MM#30 (BIO-MM#31 in the Final EIR/EIS): Pending the selection of the Preferred Alternative, there will be cautionary considerations for this issue at stations or conveyance facilities and yards that could be designed that have power lines as a project component.

BIO-MM#43 (BIO-MM#44 in the Final EIR/EIS): The measure refers to the HMMP, please review BIO-MM#58.

BIO-MM#45 (BIO-MM#46 in the Final EIR/EIS): The locations are mentioned at the water crossing features. Wildlife crossing opportunities are the locations of the bridges and culverts within the project that are situated in the Essential Connectivity Area and modeled wildlife linkages.

BIO-MM#46 (BIO-MM#47 in the Final EIR/EIS): Prior to ground disturbing activities, preconstruction surveys will be conducted for state and federal listed species within the acquisition footprint as well as buffers defined for special-status species within MF-Response-BIO-5. These surveys will evaluate the presence of special-status species within the Action Area, which will contribute to the understanding of where special status species congregate and/or utilize habitat in relation to the construction footprint. These surveys will be implemented in conjunction with mitigation measures identified for BIO-MM# 46-48. Potential affects to wildlife habitat connectivity identified through research analyzed in EIR 3.7-7 as well as preconstruction surveys will be addressed through the Compensatory Mitigation Plan (CMP).

BIO-MM#48 (BIO-MM#49 in the Final EIR/EIS): Please see response to BIO-MM#46 above.

BIO-MM#49 (BIO-MM#50 in the Final EIR/EIS): All proposed compensatory mitigation will be formed through agency oversight and comment. Only mitigation projects and programs with agency approval will be used to fulfill mitigation requirements. The next step is the preparation of a detailed and specific mitigation proposal, the Mitigation Strategy and Implementation Plan (MSIP). The MSIP will present the mitigation proposal for mitigating impacts on sensitive habitats, plants, and wildlife resulting from construction of the preferred alternative, and will provide a proposal detailing the

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location where mitigation is proposed to occur and the strategy proposed to implement mitigation to meet the requirements and standards of the various environmental regulatory agencies with jurisdiction over the project. The MSIP will specify the quantity of acres/credits used to offset project effects, by resource, as specified by the mitigation ratios described in this CMP. The MSIP will include all elements necessary to satisfy related federal and state permit requirements for compensatory mitigation. The overall mitigation strategy will consider the structural requirements of the agencies, use of umbrella species to provide mitigation for other species with similar habitat requirements, and the EIR/EIS mitigation commitments. The MSIP will also use land acquisition strategies that consider watershed-level impacts when proposing mitigation, giving priority to areas that provide habitat connectivity and those areas with upland and wetland restoration and creation potential.

BIO-MM#50 (BIO-MM#51 in the Final EIR/EIS): Please see response to BIO-MM#49 above.

BIO-MM#55 (BIO-MM#57 in the Final EIR/EIS): The Watershed Evaluation Report (WER) has been drafted to implement a watershed approach to evaluating potential affects to jurisdictional waters. This will be within the Checkpoint C submittal to the USACE in tandem with the Compensatory Mitigation Plan (CMP) which will be part of the Section 404 CWA permit. The Section 404 permit will be in place before the FRA issues its ROD for the project. The approach and implementation of mitigation of potential affects to jurisdictional waters can be found in MF-Response-BIO-3.

BIO-MM#58 (BIO-MM#61 in the Final EIR/EIS): Comment noted, please see the FEIR/FEIS for revised mitigation measure.

BIO-MM#60 (BIO-MM#63 in the Final EIR/EIS): surveys can occur any time of the year. The measure is included to address the preservation of urban forests.

Specific detailed information on plant species, range, habitat preference, etc are identified in the BTR (August 2011). For example for western pond turtle refer to page 5-27 of the BTR under section 5.2.2.4, Reptiles.

See MF-Response-S&S-4. The right of way will be fenced and secured. In addition,

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wildlife approaching the HST will be funneled towards the wildlife crossings so that they may move across the HST alignment without having to attempt to defeat the fencing and cross at-grade.

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See MF-Response-AGRICULTURE-8 regarding compliance with the FPPA and scoring of the alternatives; MF-Response-AGRICULTURE-5 regarding pesticides, bees, and wind-induced effects; MF-Response-AGRICULTURE-4 regarding severance of farm infrastructure; MF-Response-GENERAL-3 regarding growth; MF-Response-GENERAL-4 regarding impacts on agriculture; MF-Response-AGRICULTURE-1 regarding general impacts on agriculture; MF-Response-AGRICULTURE-3 regarding remainder parcels; MF-Response-AGRICULTURE-2 regarding access; MF-Response-AGRICULTURE-6 regarding confined animal facilities; and MF-Response-WATER-2 regarding drainage.

The characterization of farmland is based directly on the categories of the Farmland Mapping and Monitoring Program. NRCS soil classification is only one of several criteria used by the Program to categorize the suitability of land for farming.

With regard to the 2007 data that is being used, it is the most up to date data available from the USDA Census of Agriculture, which is performed every 5 years. This data represents the most up to date for the broad categories of agriculture being addressed in this section.

Loss of grazing land is disclosed throughout the impact analysis in Section 3.14, Agricultural Lands, ranging from 66 acres (UPRR/SR 99 Alternative with the Ave 24 Wye and West Chowchilla DO) to 185 acres (BNSF with Ave 24 Wye). These numbers are roughly 10 percent or less of total agricultural land impacts. However, as discussed in Section 3.14.3, Methods for Evaluating Impacts, farmland impacts are based on important farmlands as defined by the Farmland Mapping and Monitoring Program. Grazing lands are not included as important farmlands, and therefore were not presented in the same manner as the four important farmland categories. The impacts reported on p. 3.14-33 and 3.14-34 of the Draft EIR/EIS are to lands under Williamson Act and Farmland Security Zone contracts - a subset of farmlands in the area. Impacts

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to important farmland (see Table 3.14-5) would be significant and unavoidable. Text has been added to Table 3.14-1 to acknowledge the Madera County Right-to-Farm Ordinance. These ordinances help protect ongoing agricultural operations from nuisance complaints, typically originating from new residential areas. There would be no conflicts with the HST project.

With regard to vibration effects to on-farm infrastructure, see discussion in Chapter 3.4 (Noise and Vibration) - impacts would be negligible with regard to the resources analyzed. There would be no "electrolysis" impacts - see discussion of negligible impacts from stray currents and design standards in Chapter 3.5 (Electromagnetic Fields and Electromagnetic Interference). This analysis was performed based on the general operation schedule described in Draft EIR/EIS Section 2.6.1, HST Service, and Appendix 5-A, Operations and Service Plan.

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See MF-Response-CULTURAL-2 regarding the documentation of existing resources; MF-Response-CULTURAL-3 regarding the documentation of archaeological resources; MF-Response-CULTURAL-6 regarding mitigation measures; and MF-Response-CULTURAL-8 regarding the assessment of impacts. Regarding vibration impacts, see MF-Response-NOISE-5.

As noted in Section 3.17 of the EIR/EIS, to date no traditional cultural properties (TCPs) have been identified that could be affected. Consultation is ongoing. In the event that a TCP is identified, it would be addressed under provisions in the PA.

An indirect adverse effect to the SPRR Depot property was identified in Fresno that would be caused by construction of an overcrossing at Tulare Street. This effect would be caused by the introduction of a structure that would diminish the historic integrity of the design of not only the SPRR Depot, but also the Bank of America Building. The indirect effect of the overcrossing would be to these historic properties and to their relationship to each other, their setting along at-grade streets, and visual connections. To avoid indirect adverse effects caused by the Fresno Station - Mariposa alternative, its design was refined to minimize visual effects to Property No. 13, the historic SP Depot. Construction of the Fresno Station - Mariposa alternative would not result in any direct

Response to Submission 780 (Scott B. Birkey, Preserve Our Heritage (Attny for), Cox Castle & Nicholson LLP, October 13, 2011) - Continued

780-12

adverse effects because Project construction or operation would not cause the removal of, the physical destruction of, or damage to the Fresno Southern Pacific Railroad Depot.

The station alternative would not cause any indirect adverse effects to this historic property because the HST station will serve at-grade HST rail system, a function that is historically consistent with the at-grade SPRR (now UPRR) system. This station alternative would not cause any indirect adverse effects to this historic property because the designs of the station elements have been refined to avoid diminishing the integrity of the historic property. The new station elements, specifically the pedestrian overhead guide-way and main station building, will not cause indirect effects because their construction will maintain the visual and historic connections between the SPRR Depot and the Pullman Shed, as well as between these buildings and their relationship to the adjacent at-grade streets.

780-13

See MF-Response-GENERAL-4. The methodology and the analysis are related to the loss of agricultural land and the effect on the agricultural industry. Text in Section 3.12.5 provides information on the effects including potential impacts to farm workers. Information has been updated and addresses all other sections of the EIR/EIS from Chapter 3 including EMI/EMF.

Section 3.12.3.2 discusses the methods for evaluating effects under NEPA and what would be considered an impact with negligible, moderate or substantial intensity. Text in Section 3.12.5 provides information on the effects including potential impacts to the agriculture industry including farm workers.

The study area in Section 3.12 has been extended to a 0.5 mile of the alignment centerline and from the station locations.

Text has been revised to indicate that property values could decrease during construction for properties near the construction footprint and if there is any decrease it would only be during construction in the vicinity and not the entire construction period. Because the impacts are localized and temporary there are considered to have a moderate intensity.

See MF-Response-NOISE-6. Section 3.4.7, Noise and Vibration provides information on the proposed mitigation which includes sound barriers and indicates that with sound

780-13

barriers there are still some residences with severe noise impact where sound barriers are not feasible; however, with the full implementation of the measures identified in Section 3.4.7 the number of severe impacts is further reduced. Text in Section 3.4.7 does indicate that some areas may choose no mitigation.

See MF-Response-SOCIAL-2 and MF-Response-SOCIAL-4, and MF-Response-LAND USE-4. The comment asserts that the HST project would result in blight along its alignment. The EIR/EIS includes a number of mitigation measures specifically intended to reduce the aesthetic impact along the alignment through community-based design (see Section 3.16.6 and measure VQ-MM#3, for example). This will minimize the potential for a loss in property value that would then result in lack of maintenance of private property. The comment provides no evidence to support its assertion that these measures would be inadequate or that physical changes to private property resulting from the HST's impacts would be severe enough to result in blight.

See MF-Response-GENERAL-8 and MF-Response-LAND USE-4. The aerial structure results in a visual change in the community of Le Grand as detailed in Section 3.16, Aesthetics and Visual Resources. The introduction of the elevated alignment would negatively affect the visual quality which could result in the creation of visual barrier and negatively affect property values. The elevated guideway is adjacent to the BNSF corridor through Le Grand and some of the adjacent land uses are related to industrial development.

See MF-Response-SOCIAL-1 and MF-Response-GENERAL-20. Refer to Appendix 3.12-A, Relocation Assistance Documents, for additional information on relocation assistance for mobile homes. The guideway to the Castle Commerce Center HMF site currently impacts a mobile home park and additional analysis of the HMF sites is being conducted as part of the San Jose to Merced Section EIR/EIS.

See MF-Response-GENERAL-1 and MF-Response-SOCIAL-1. Summary information is provided in the EIR/EIS and a reference has been added to the Community Impact Assessment where the tables provide information on the residential displacements in the communities and counties for each HST alternative.

See MF-Response-SOCIAL-2 and MF-Response-VISUAL-3. The EIR/EIS includes a number of mitigation measures specifically intended to reduce the aesthetic impact along the alignment through community-based design (see Section 3.16.6 and measure VQ-MM#3, for example). This will minimize the potential for a loss in property value that would then result in lack of maintenance of private property.

Text in Section 3.12.5 has been revised to indicate that some businesses could be

Response to Submission 780 (Scott B. Birkey, Preserve Our Heritage (Attny for), Cox Castle & Nicholson LLP, October 13, 2011) - Continued

780-13

located under the elevated guideway and any uses under the elevated guideway would need to coordination and clearance through the FRA Office of Safety and the Department of Homeland Security.

See MF-Response-GENERAL-4 and MF-Response-GENERAL-19. Section 3.18, Regional Growth, provides additional information on the induced employment as a result of construction and operation of the HST Project. Refer to SO-MM#5 for information on training and recruitment that will be implemented for environmental justice populations. Text in Section 3.12.5 has been updated and indicates that because of the communities of concern in the study area any impacts have the potential to result in disproportionate impacts on communities of concern even if the impacts are not adverse. The text provides information for all sections in Chapter 3 and also provides information on the adverse impacts to communities of concern for each of the HST alternatives and HMF sites.

See MF-Response-GENERAL-1 and MF-Response-GENERAL-19. Section 3.18, Regional Growth, provides additional information on the induced employment as a result of construction and operation of the HST Project. Refer to SO-MM#5 for information on training and recruitment that will be implemented for environmental justice populations. See MF-Response-NOISE-6. Section 3.4.7, Noise and Vibration provides information on the proposed mitigation which includes sound barriers and indicates that with sound barriers there are still some residences with severe noise impact where sound barriers are not feasible; however, with the full implementation of the measures identified in Section 3.4.7 the number of severe impacts is further reduced. Text in Section 3.4.7 does indicate that some areas may choose no mitigation.

Text in Section 3.12.5 has been updated to include all sections of Chapter 3 and with mitigation and the offsetting benefits of the HST project the severity of the impacts are reduced or the impacts on communities of concern are not greater in magnitude than the impact on other populations. SO-MM#5 includes information on the continued outreach to communities of concern and the recruitment and training that will be implemented allowing communities of concern to benefit from the jobs created by the project. Additionally, the mitigation measures have been refined for the Final EIR/EIS to clarify how public outreach will occur and the timing of such outreach prior to final design, and to clarify the provision of replacement housing and the assistance to be provided to affected landowners and residents during the acquisition and relocation process.

780-14

The design of the HST components presents several opportunities and techniques to mitigate potential adverse impacts to aesthetics and visual resources. Section 2.2.7 of the EIR/EIS describes the mast pole height and spacing of the catenary system, as being approximately 23.5 feet higher than the top of rail and spaced approximately every 200 feet along straight portions of the track to every 70 feet in tight-trun track areas. The size and spacing of the Traction Power Distribution Stations also are described in Section 2.2.7; that is, the stations are approximately 32,000 square feet (as shown in Figure 2-15) and spaced at approximately 30-mile intervals. The use of landscaping, including berms and large shrubs and trees, and/or fencing, will provide adequate mitigation, as visually suggested by trees in Figure 2-15. See Figure 3.16-29 in the EIR/EIS for an example of screening for a power substation. Table 3.16-2, Characteristics of Typical HST Components, references Chapter 2 for detailed information.

780-15

The construction duration period of 7 to 12 years in Chapter 2 also includes right-of-way acquisition and testing of the system, which are not included in the 5 year estimate contained in Chapter 3.18. See MF-Response-WATER-4 rearding impacts on regional water supply and MF-Response-GENERAL-3 regarding growth inducement.

The EIR/EIS does not claim that the project will not induce growth within the region. However, because of the factors discussed in the EIR/EIS and in MF-Response-GENERAL-3, the amount of induced growth will not be substantial.

The Final EIR/EIS estimates that the HST Project would result in a 3% population increase over population projections without the Project. Future water consumption within California will be substantially reduced on a per capita basis as a result of SB 7X-7 (Chapter 4, Statutes of 2009-2010 Extraordinary Session) requiring the reduction of urban per capita water use by 20% by 2021 (see Water Code Section 10608, et seq.), SB 407 (Chapter 587, Statutes of 2009), requiring the phased retrofitting of water conserving fixtures to existing residences and businesses, and adoption of Title 16A of the California Plumbing Code simplifying the permitting of graywater systems, and as well as other regulations. This reduction in use will more than offset the expected growth resulting from the HST Project.

Response to Submission 780 (Scott B. Birkey, Preserve Our Heritage (Attny for), Cox Castle & Nicholson LLP, October 13, 2011) - Continued

780-15

SB 610 (Water Code Section 10910, et seq.) requires certain projects to prepare water supply assessments to be considered in conjunction with the EIR for that project. Water Code Section 10912 defines a "project" for purposes of this statute to be any of the following:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The HST Project is none of these. As noted in Section 3. 6, it would not result in a net increase in water demand. Therefore, SB 610 does not apply.

780-16

The EIR/EIS evaluates whether the project is located on a geologic unit or soil that is unstable, or that would become unstable, as a result of the project. One of the considerations is subsidence from groundwater or petroleum withdrawal. The EIR/EIS (see Section 3.9.4.4, Geologic Hazards) states that substantial subsidence has occurred in the San Joaquin Valley, primarily due to groundwater extraction; however, the areas with greatest land subsidence are in the western portion of the San Joaquin Valley where subsidence of more than 28 feet was recorded between 1926 and 1970. In the area of the HST alternatives, including the north-south alignments, wyes, stations, and

780-16

HMF, subsidence has been far less dramatic than on the western side of the valley, with subsidence measured at less than 1 foot between 1926 and 1970 (Faunt 2009; Galloway and Riley 1999). Over the last several decades, the use of pipelines and aqueducts for surface water deliveries from other parts of California has reduced dependence on groundwater for agricultural use, and land subsidence has slowed or reversed in some areas of the San Joaquin Valley. During drought conditions, however, increased reliance on groundwater may result in increased subsidence rates.

Construction and operation of the Merced to Fresno Section of the HST would not change subsidence rates compared to existing conditions. The project does not include features (e.g., major new sources of groundwater extraction) that would contribute to subsidence. In fact, the project would cause up to 1,420 acres of land (under the preferred alternative) to be removed from agricultural production. Some of these lands are irrigated with groundwater, and therefore localized groundwater withdrawals would likely be reduced.

The project will be designed so that geotechnical constraints (e.g., subsidence from groundwater withdrawal, soil settlement from new earth loads, etc.) do not result in premature degradation of the alignment such that speeds are reduced or operation and maintenance costs are unacceptably high. Prerequisite geotechnical and geologic evaluations, design features, and management measures to reduce or eliminate risk from poor or unexpected geologic conditions or from long-term effects of the project on geology are described in the EIR/EIS.

Information related to subsidence used in this response was obtained from the following sources:

Faunt, C.C., ed., 2009, Groundwater Availability of the Central Valley Aquifer, California: U.S. Geological Survey Professional Paper 1766, 225 p.

Galloway, D., and F.S. Riley. 1999. San Joaquin Valley largest human alteration of the earth's surface. In Galloway, D.L., D.R. Jones, and S.E. Ingebritsen, eds., Land Subsidence in the United States, USGS Circular 1182, 175 p. Part I Groundwater, <http://pubs.usgs.gov/circ/circ1182/>. Accessed November 30, 2009.

Response to Submission 780 (Scott B. Birkey, Preserve Our Heritage (Attny for), Cox Castle & Nicholson LLP, October 13, 2011) - Continued

780-16

The HST final design will take into account design flows along the major water crossings. The Department of Water Resources is responsible for preparing flood hazard maps for the Central Valley that identify the 200-year floodplains. However, that information is not available at this time.

780-17

Table 3.19-1 through Table 3.19-7 list only major foreseeable projects. As noted at the beginning of Section 3.19.2.3 Cumulative Project List, Appendix 3.19-A provides detailed information about the reasonably foreseeable development projects and plans, including the Merced County General Plan and the City of Merced General Plan. Both of these plans are also considered in the individual resource sections in Chapter 3, including Section 3.18, Regional Growth, and their growth scenarios are included in the cumulative condition associated with the No Project Alternative in Section 3.19, Cumulative Impacts. The growth reflected in those plans has been taken into account in the following analyses in the EIR/EIS: Section 3.18, Regional Growth; the analysis of indirect effects related to induced growth in individual resource sections; and the cumulative condition associated with the No Project Alternative in Section 3.19.3.1, No Project Alternative and subsequent resource-specific cumulative effects analyses.

Text was added to the discussion of hazardous air pollutants in Section 3.19, Cumulative Impacts, in the Final EIR/EIS to clarify that, because the project would have less than significant emissions of hazardous air pollutants, no cumulative effects would occur as a result of the HST project in combination with other past, present, and reasonably foreseeable future actions.

780-18

The I-5 corridor has been examined previously and does not meet a number of the basic objectives of the project. See MF-Response-GENERAL-2 for a discussion of the I-5 corridor.

Submission 453 (Matt Hanson, Professional Engineers in California Government, October 6, 2011)



October 5, 2011

Roelof van Ark
Chief Executive Officer
California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. van Ark:

The Professional Engineers in California Government (PECG) respectfully submit the following for inclusion in the public comments on the Merced to Fresno Draft EIR/EIS for the California High-Speed Rail System.

The Merced to Fresno Draft EIR/EIS contains references to 31 potential interactions with Caltrans state highway facilities (Table 2-12, Page 2-78). This includes the relocation of two miles of Highway 99 north of Fresno. PECG strongly urges the Authority to work together with Caltrans to ensure that the department, not a private contractor, performs the engineering and related work on the state highway system. Caltrans has the skilled staff of engineers and related professionals to conduct the design and construction inspection for this critical piece of the high-speed rail work.

Caltrans should also take responsibility for all design and inspection work conducted on interactions with the state highway system. These include grade separations whenever the train goes under or over a state highway. Since these are components of the state highway system under Caltrans' authority and eventual responsibility, the department should conduct the design and inspection to ensure a safe and effective product. This should not be left in the hands of contractors inspecting each other's work.

Caltrans could also perform the construction inspection for relocation of other streets and roads involved in this project enabling the Authority to deliver the project in a more cost-effective manner. The 2010-2011 state budget shows the Authority spends \$426,000 per outsourced engineer per year. A Caltrans engineer cost just \$113,000 per year. When working on such a tight budget with plenty of critical eyes watching, we encourage the Authority to make every effort to save money and increase public oversight.

HEADQUARTERS: 455 Capitol Mall, Suite 501, Sacramento, CA 95814 • (916) 446-0400
LOS ANGELES: 130 N. Brand Boulevard, Suite 301, Glendale, CA 91203 • (818) 500-9941
SAN FRANCISCO: 1 Sutter Street, Suite 800, San Francisco, CA 94104 • (415) 861-5720
TELEFAX: Headquarters (916) 446-0489; Los Angeles (818) 247-2348; San Francisco (415) 861-5360

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PECG Public Comments
Merced to Fresno Draft EIR/EIS

We encourage you to take these comments under consideration as you move toward a final EIR/EIS for the Merced to Fresno section. For additional information, please contact Ryan Endean in our Sacramento office at (916) 446-0400 or rendean@pecg.org.

Sincerely,

Matt Hanson
PECG President

ABOUT PECG

PECG represents 13,000 state-employed engineers and related professionals responsible for designing and inspecting California's infrastructure, improving air and water quality, and developing clean energy and green technology.

453-1

Response to Submission 453 (Matt Hanson, Professional Engineers in California Government,
October 6, 2011)

453-1

We have been coordinating with Caltrans throughout the design process, and will continue to do so. Depending on how future project contracts are developed, there may be additional collaboration with Caltrans. The types of design efforts involving either contracts or agency efforts will be determined by Caltrans.

Submission 107 (Gloria Green, Property owner affected, September 14, 2011)

Merced - Fresno - RECORD #107 DETAIL

Status : No Action Required
Record Date : 9/14/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/14/2011
Submission Method : Website
First Name : Gloria
Last Name : Green
Professional Title : owner
Business/Organization : Property owner affected
Address :
Apt./Suite No. :
City : Visalia
State : CA
Zip Code : 93292
Telephone : 559-734-3523
Email : gloriagrn1848@comcast.net
Cell Phone :
Email Subscription : Statewide Planning Only, Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : Build on Santa Fe Buringame.
It would have no effect on my property on Santa Fe Drive outside the
city or town of Le Grand.
EIR/EIS Comment : Yes

107-1

Response to Submission 107 (Gloria Green, Property owner affected, September 14, 2011)

107-1

See MF-Response-GENERAL-10.

Submission 561 (Katharine Hardt-Mason, Rancho Calera (Attny for), October 11, 2011)

Hardt Mason Law

October 11, 2011

Katharine L. Hardt-Mason

1145 Teresa Lane, Morgan Hill, CA 95037
408.779.9707 O/c/ 408.373.3770 Cell/ 408.778.3031 Fax
Katharine@HardtMason.com

Via First Class Mail (return receipt requested) and Email Merced_Fresno@hst.ca.gov

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95815

Re: Draft EIR/EIS Comments- Merced to Fresno Section

Dear Board Members:

On behalf of my client, Rancho Calera, LLC, I am writing with regard to the Draft EIR/EIS prepared for the Merced to Fresno Section. Rancho Calera, LLC ("RC"), owns that certain property in the City of Chowchilla more particularly shown on Exhibit A attached hereto and incorporated herein by this reference (the "RC Property"). Over the past seven (7) years, RC has worked cooperatively with the City of Chowchilla in planning a mixed-use project for the RC Property. On May 2, 2011, the City Council of the City of Chowchilla: certified the Final Impact Report for the Chowchilla 2040 General Plan and Rancho Calera Specific Plan, and adopted the Rancho Calera Specific Plan, including a Mitigation Monitoring and Reporting Program. At that same meeting, the City Council adopted a Resolution of Intent to File an Application with Madera County, California, Local Agency Formation Commission to annex approximately 145 acres of Territory (including 136 acres of the Rancho Calera property) to the City of Chowchilla, which was furthered on July 11, 2011, when the City Council of the City of Chowchilla adopted a Resolution of Application for Annexation #2 which directed staff to prepare an application for submission to LAFCo for inclusion of 145 acres of territory (including 136 acres of the Rancho Calera property) into the City of Chowchilla. It is RC's intent to proceed with development of the RC Property pursuant to the approved Specific Plan, pending approval of the Application for Annexation #2, which Plan allows for development on over 560 acres of up to 2,042 residences, 500,000 square feet of commercial on 38 acres, a public facilities station, a public school, and multiple parks and recreation areas. All of this, however, could be severely impacted if the Board selects and the Authority proceeds with development of any alternative which uses the UPRR route through the City of Chowchilla.

My client and I fully understand the fact that some property will be impacted by development of the High Speed Rail ("HSR") line and understand the need to consider multiple factors when determining the best location for the line. In this case, however, the EIR/EIS for the Merced to Fresno Section fails to adequately identify, analyze, and properly address the significant impacts which will result from the use of the UPRR route through the City of Chowchilla. Rather than reviewing the impacts on the City of Chowchilla if any route using the UPRR line through the city is selected, the EIR/EIS is void of the

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561-1

required analysis. The EIR/EIS dismisses the City of Chowchilla as a rural community which will not be impacted by the HSR despite the fact that every alternative under consideration will either bisect or run adjacent to the City. As with the City of Merced and the City of Fresno, the lives of almost every citizen in the Chowchilla community will be directly impacted by construction of the HSR in their city. Nothing in either NEPA or CEQA permits either an EIS or and EIR to completely dismiss review of potential impacts based on the size of the population which may be affected by a project. Yet, the EIR/EIS in effect does exactly this. Without substantive review of the potential impacts on the citizens of Chowchilla, there is no means to determine whether the location of the HSR has been adequately analyzed and the necessary impacts mitigated.

561-2

Of significant concern to my client are the impacts use of the UPRR route will have on (i) traffic at the Highway 99/ Robertson Blvd (Ave. 26) interchange, and (ii) noise at the RC Property resulting from over 300 high speed trains passing through Chowchilla every day. With regard to traffic, the RC Property is immediately adjacent to the Highway 99/Robertson Blvd. interchange, and expansion and reconstruction of this interchange is crucial to build-out of the Rancho Calera project. The City of Chowchilla and RC have spent considerable amounts of time over the past seven (7) years in designing a new interchange at this location which is acceptable to CalTrans and meets the needs of not only the RC Property, but other property within the City of Chowchilla which is slated for development. CalTrans recently approved the design for the interchange, the funds for which were provided through creation of a Community Facilities District. That District, which issued bonds to pay for the interchange study and construction, among other needed public facilities, encumbers the RC Property and will be paid off over a thirty (30) year period by the current and future owners thereof. If the Board selects the UPRR alignment through Chowchilla and the Authority proceeds with construction of this route, there will be a direct and significant impact on the Rancho Calera Project.

- According to the City Planner it does not appear to be physically possible to build the new interchange as designed if the HSR runs adjacent to the UPRR line at this location. At a minimum, the interchange will need to be redesigned to allow for the HSR line to pass over the entrance and exit ramps from and to Hwy. 99 and Robertson Blvd, the cost of which may exceed the original cost to design the interchange, which funds are not available through the existing Community Facilities District. Based on the information available, redesigning the interchange will result in the use of more RC Property than is currently planned for under the approved interchange design and will likely affect either the property to the north or the south of the RC Property. The EIR/EIS needs to include analysis of this interchange taking into consideration the physical limitations at this intersection.
- According to Section 3.2.3.2 of the Transportation analysis, the consultants relied on multiple regional transportation reports and studies in creating a baseline that recognized future demands and build-out of the transportation systems. With regard to the Chowchilla area (which was only analyzed for Heavy Maintenance Facility purposes), the consultant used the Regional Transportation Plan for Madera County which was adopted in 2007. That plan, although comprehensive, does not take into consideration the recently approved interchange design at

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Submission 561 (Katharine Hardt-Mason, Rancho Calera (Attny for), October 11, 2011) - Continued

561-2

Highway 99/Robertson Blvd. The consultant should also take into consideration the traffic impact analysis completed by the City of Chowchilla for the 2040 General Plan Update and the Rancho Calera Specific Plan, both of which include projected build-out scenarios beyond the planning horizon for the HSR. Although the timing of reports and documents is always an issue when preparing an EIR, in this case more specific information and data was available for the consultants use and not relied on for the limited analysis which was done. The EIR/EIS needs to include analysis of this interchange based on the traffic studies completed for the 2040 General Plan Update and the Ranch Calera Specific Plan.

561-3

With regard to the potential noise impacts resulting from the trains using the UPRR route, as stated above, the Rancho Calera Specific Plan provides for the construction of up to 500,000 square feet of commercial construction adjacent to Highway 99, which appears to be less than 2,000 feet from the proposed UPRR route. Immediately to the east of the planned commercial, is over 2,042 residential units, as well as, a new public safety facility, an existing elementary school, and numerous park and recreational facilities. According to the Figure 3.4-6 of Section 3.4 of the EIR/EIS, the Highway 99/Robertson Blvd. interchange area was studied for noise impacts and it was concluded that the decibel level at that intersection would exceed 65dBA. Later in Chapter 3.4, there is some discussion of the types of mitigation which will be implemented to address noise, including sound barriers, special trackwork at crossovers and turnouts, etc., but there is little discussion regarding retrofitting of public and private buildings, and no real discussion regarding the additional noise mitigation measures that will be required of new commercial and residential construction within the impacted zone. The cost to implement the additional mitigation will have a significant impact on development and could result, in some cases, in the loss of development which cities such as Chowchilla are in need of to help support the minimal government functions which have continued in light of the current economic crisis.

561-4

We do not believe that any of the foregoing is truly "new" information, as it was all available in draft form for use by the consultant when the EIR/EIS was prepared. At this point in time, however, the 2040 General Plan Update and the Rancho Calera Specific Plan have been adopted by the City of Chowchilla and are the governing documents for development of the intersection at issue. For the reasons set forth above, we respectfully request that the Board direct the consultant to initiate and perform a full project level analysis of the transportation systems within and adjacent to the City of Chowchilla which will be impacted by use of the UPRR route through and adjacent to the City and the impacts to the City of Chowchilla, including all planned and approved development, resulting from the noise of the trains passing through the City of Chowchilla.

561-5

In addition to, and in conjunction with, the foregoing, we are requesting that the Board direct the consultant to fully analyze all potential impacts resulting from construction of any and all HSR route alternative which may affect the City of Chowchilla, including without limitation, the possibility that planned or proposed development may be forced to move elsewhere in the state as a result of the incapability of building new commercial and residential structures adjacent to and/or within the vicinity of any of the proposed tracks through or adjacent to the City of Chowchilla. The fact that Chowchilla has been classified by the consultant as a rural community does not dismiss the obligation to fully consider the impacts on the

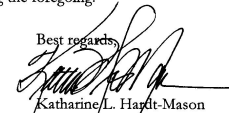
Page 3 of 4

561-5

citizenry and the environment. The noise, social and cultural environment, air quality, biological resources, safety, etc., of this community will be affected by construction of the HSR through and adjacent to the City of Chowchilla. In fact, unlike any other city in the State of California, this community is most likely to suffer the most from a failed analysis of the HSR route selection. The City of Chowchilla is the only city in California where the north-south and east-west routes merge. If the City of Chowchilla as it presently exists cannot continue to operate with a southern and/or western community constituency due to the proposed route locations, many of the cities operational facilities, such as wastewater, water, and drainage, will need to be duplicated and services, such as fire and police, will have to be extended or new agencies created. In other words, the potential impact of the proposed routes could result in disastrous outcomes for the City of Chowchilla and developers with approved projects within and adjacent to the city.

Thank you for your time and attention to this comment. Please do not hesitate to contact me or my client if you have any questions regarding the foregoing.

Best regards,



Katharine L. Hardt-Mason

cc: Glenn M. Pace, Manager of Rancho Calera, LLC
Mark Lewis, City of Chowchilla Administrator
Tom Ebersole, Esq., City of Chowchilla Attorney
Tom Skinner, City of Chowchilla Planner

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Response to Submission 561 (Katharine Hardt-Mason, Rancho Calera (Attny for), October 11, 2011)

561-1

See MF-Response-SOCIAL-4 and MF-Response-GENERAL-5. As described in Chapter 2, Alternatives, the UPRR/SR 99 Alternative with the East Chowchilla design option and the Hybrid Alternative with the Ave 21 Wye would be elevated adjacent to the SR 99 corridor. The elevated guideway requires about 50 feet for the right-of-way and access is maintained under the elevated guideway. The new development to the east is about 500 feet to the east and the development is not negatively affected by the HST project. Refer to Appendix 3.13-B, Land Use and Communities, for additional information.

561-2

See MF-Response-General-15. The HST is adjacent to SR 99 at Robertson Blvd. in Chowchilla. During 30% design and final design, the HST viaduct columns can be shifted to avoid the future interchange ramps and other facilities.

561-3

See MF-Response-NOISE-4 and MF-Response-NOISE-6.

561-4

See MF-Response-NOISE-3, MF-Response-NOISE-8, MF-Response-GENERAL-16 and MF-Response-GENERAL-15. The traffic impacts in this area arise mainly because of trips that would be generated by one of the three potential HMF locations (Fagundes, Harris DeJager, or Kojima). The traffic generated by HMFs would utilize the intersections and roadways in Chowchilla and the Rancho Calera area. The alignment itself would not have any major roadway impacts as access is always maintained via grade separations.

561-5

See MF-Response-PUE-5, MF-Response-S&S-7, , MF-Response-TRAFFIC-2, and MF-Response-LAND USE-4.

See Section 3.11 of the EIR/EIS regarding disruptions to services.

Submission 961 (Thomas J. Finn, Ready Roast Nut Company, October 13, 2011)



RECEIVED

10-14-11P12:39 RCVD

October 12, 2011

DELIVERY VIA UPS

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Ready Roast Nut Company LLC's Comments on the Merced to Fresno Draft EIR/EIS

Ladies and Gentlemen:

We at Ready Roast Nut Company have very serious concerns regarding High Speed Rail and the negative effects it may have on our 17.2 acre parcel identified as APN 990-110-451-000, Fee Number 002-250-068-000 (see attached Exhibit Map for Grant Deed).

Ready Roast Nut Company purchased the property from the Chowchilla Redevelopment Agency in July 2009 for the purpose of constructing our nut processing facility. However, as a result of the CA High Speed Rail Project we have had to select another site in Madera County at a significantly higher cost and it has delayed our facility project by well over a year.

Please accept this letter as our formal objection to the construction of the High Speed Rail along UPRR/SR 99 route. Should the Authority proceed with this route, we understand that the measure of compensation to be awarded for property taken is the fair market value of that property (Cal CCP Section 1263.31). We estimate the fair market value of this property at \$860,000.

Ready Roast Nut Company LLC reserves the right to supplement its comments as additional information becomes available.

Best regards,

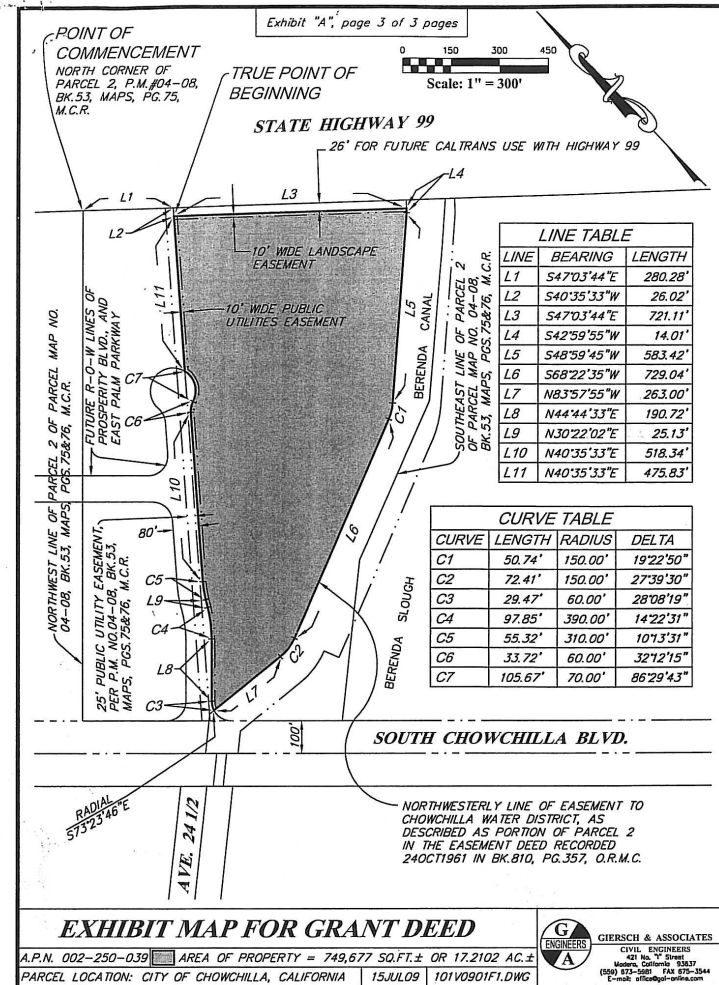
Thomas J. Finn
Managing Member
Ready Roast Nut Company, LLC
(973) 713-3070
tom@readyroast.com

Attachments: 1

cc: Mr. Bobby Kahn

READY ROAST NUT COMPANY

6049 Leedom RD | PO. Box 880
Hughson, CA 95326



Submission 961 (Thomas J. Finn, Ready Roast Nut Company, October 13, 2011) - Continued

to schedule

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Response to Submission 961 (Thomas J. Finn, Ready Roast Nut Company, October 13, 2011)

961-1

See MF-Response-SOCIAL-1 and MF-Response-GENERAL-10.

Submission 811 (Donald H. Reineke, Reineke Investments, October 13, 2011)



Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) – **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on **September
28, 2011** will **not** be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a **28 de septiembre**
no se responderá en el EIR/EIS final.

Name/
Nombre: DONALD H. REINEKE

Organization/
Organización: REINEKE INVESTMENTS

(Optional/Opcional)
Address/Domicilio: 9265 Gillette Ave

City, State, Zip code/ Merced, Ca. 95341
Ciudad, estado, código postal:

Phone Number/
Número de teléfono: 209-389-4402

Email address/
Correo electrónico:

See Attached letter for comments

Reineke Investments, L.L.C.
9265 Gillette Ave.
Merced, CA 95341
(209) 389-4402

October 11, 2011

Merced to Fresno HST Environmental Review
770 L Street
Suite 800
Sacramento, CA 95814

To Whom It May Concern:

My name is Don Reineke and I have been a farmer my entire life. During the past 30 years I have grown almonds and walnuts on my family operation in Merced County. The High Speed Rail (HSR) will dramatically impact several of my parcels. Currently those parcels impact include:

067-040-035
067-040-034
067-040-027
067-030-002
067-080-005

When reviewing the Draft EIR/EIS we noticed it avoids discussions or fails to address several key issues pertinent to our family operation. These include:

- 811-1
- 1) It fails to discuss disruption of ag services during construction and through the process. (i.e. electricity, water, access roads, wells, irrigation lines) Each are necessary to operate a farm as a profitable business.
- 811-2
- 2) It fails to explain the route options that diverge from existing transportation corridors, specifically A-1 and the subsequent Mission Avenue and Mariposa Avenue options. This violates the original premise of the public authorization.
- 811-3
- 3) The DEIR fails to describe the entire project, instead it attempts to evaluate the Central Valley ONLY. This is a violation of CEQA and NEPA, but it goes a step further by providing an inadequate review in my sections of the report.
- 4) It only provided 60 days to evaluate these very technical reports, which also happen to fall during my harvest of almonds and walnuts. As you may not understand, there is a small window of opportunity for the harvesting process in which the unpredictable weather may make more difficult. How are we, as directly impacted land owners, expected to work long and hard physical hours and then return to our homes to study this

Submission 811 (Donald H. Reineke, Reineke Investments, October 13, 2011) - Continued

large and difficult report? I am requesting a delay in the Merced to Fresno report as is the case with the Fresno to Bakersfield report.

811-4 | The current map released for review shows the HSR divides my 210 acre parcel 60/40 percent. With that split, this parcel's irrigation water is delivered from the north, however the report does not address how I am to irrigate the south portion during and after the construction process. I grow permanent crops and continuous water is a necessity throughout the year. You completely sever seven (7) irrigation lines and two (2) returns systems which are necessary for irrigation drainage and rain water drainage. This is also not addressed in your EIR/EIS.

Another concern we have, is the route option completely separates our equipment storage and maintenance facilities from part of the ranch. Now we will be required to put additional equipment on those main thoroughfares which now isn't required. This is an additional safety hazard, increases operational costs as well as will contribute to the degradation of already depleted county roads. None of which is addressed in the EIR/EIS.

811-5 | Your EIR/EIS already states that a 5-foot (5') berm will be constructed, as well as overcrossings. Your EIR does not state where this dirt will come from, evaluate the mining consequences to the state, nor does it address the likelihood of additional weed species/invasive species that will be brought to the area.

811-6 | I also found the EIR/EIS does not address ground spraying for fungus control, worm control, and weed control. There is a concern that a 1/2 mile buffer (no spraying activities will be allowed) will be required by local regulating agencies because of the wind tunnel. In your evaluation of purchasing the 100 foot right-of-way, it does not take this concern into account. You need to further consult with local ag commissioners and the California Department of Pesticide Regulations to begin to address the full impact of your project.

There is no other business that is more time sensitive than farming, but the presence of HSR will make our operations much more time consuming and will create additional costs of operating. Both of these obvious concerns are not addressed in the EIR/EIS.

811-7 | The EIR/EIS only half addresses the loss of acreage for farming due to sliced up fields, small parcels, non farmable odd shaped parcels, etc. The remnant parcel idea is idealistic, but not realistic. How likely is it that a neighboring landowner will want to purchase land right next to the HSR train, with variables like water, drainage, like crops, economic, accesses etc. The only other mitigation option included in the report is the purchase by the Authority of those sliced inoperable parcels. That is not a mitigation measure.

811-8 | The EIR/EIS does not address additional dust caused by the construction and operation of the HSR. The San Joaquin Valley is already problematic in this regard and closely watched by the Air Resource Board (ARB) and in recent months have been constantly on Air Alert. Your EIR does not consider the construction process, its gases, diesel pollution, and dust production which will only make the ARB become stricter on valley residents and especially farmers. In addition, our crops receive considerable harm from "dust mites". This pest is very expensive and time

consuming to deal with. The operation of a High Speed Rail will cause additional problems and expense because of the added dust created by a fast moving train.

811-9 | The EIR/EIS does not touch on the population growth brought about by transportation to the Bay Area. This will create additional pollutants as Merced does not have an efficient public transit system. The report claims benefits from the reduced commuter traffic, but ignores all the traffic that will be brought forth in the local area by growth increasing many of the ARBs (ie. VOC, stagnant air, ozone and smog).

811-10 | Noise pollution is also not thoroughly evaluated. How will this affect the quality of life for those in rural areas, especially with the expected frequency of these trains? The report also does not adequately address the long term effects of living and working near the electro-magnetic field that will be created by the HSR.

811-11 | The intent of the original HSR bill and public authorization was the use of existing transportation corridors. With the creation of alternative route you are in violation of the statute passed by Californians in 2008.

811-12 | Why does the EIR/EIS not discuss the other major right-of-way corridors – Interstate 5? Though not without consequence, its impact on agriculture would be far less.

It must be reiterated that the footprint and impact vastly exceeds those discussed in the EIR/EIS. The environmental review has NOT scratched the surface of the necessary mitigation measures. In fact, the damage is so vast it is impossible to properly mitigate damages.

Thank you for this opportunity to comment, although not long enough to review the entire report.

Donald H. Reineke
Donald H. Reineke

Response to Submission 811 (Donald H. Reineke, Reineke Investments, October 13, 2011)

811-1

See MF-Response-AGRICULTURE-4.

811-2

The BNSF Alternative (noted as A-1 in your comment), and the associated Mission Ave and Mariposa Way design options, are described in detail in Section 2.4.3, BNSF Alternative, in the EIR/EIS. The Merced to Fresno HST Project EIR/EIS evaluates the portion of the statewide HST System that would operate between Merced and Fresno. Other sections of the HST System are being evaluated under separate Project EIR/EIS documents. Each of these documents tiers off of the Program EIR/EIS documents finalized in 2005, 2008, and 2010. See MF-Response-GENERAL-1 for additional information about the tiering process and MF-Response-GENERAL-22 regarding piecemealing.

811-3

See MF-Response-GENERAL-7.

811-4

See MF-Response-AGRICULTURE-2 and MF-Response-AGRICULTURE-4.

811-5

The HST track will be constructed using a combination of slab (on elevated sections) and ballast. The materials would come from existing quarries within and outside the San Joaquin Valley. There are five potential quarries that could supply ballast for the HST Project. Because all the ballast material requirements and aggregate for slab would come from existing quarries there are no impacts on agricultural lands associated with the construction of the trackwork. Section 3.9.1 has additional information regarding ballast and slab material.

Mitigation measure Bio-MM#4: Prepare and Implement a Weed Control Plan, requires that that contractor prepare and implement a Weed Control Plan to minimize or avoid the spread of weeds during ground-disturbing activities. Section 3.13.2 includes additional detail about this mitigation measure.

811-6

See MF-Response-AGRICULTURE-5.

811-7

See MF-Response-AGRICULTURE-3.

811-8

Air quality impact analysis of the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, and using reasonable forecast data of the project and the region. Air quality impacts during project construction and operation were evaluated in the EIR/EIS. Refer to Section 3.3 of the EIR/EIS for details. Operational dust emissions are discussed in MF-Response-AQ-1.

811-9

See MF-Response-AQ-5.

811-10

See MF-Response-NOISE-3.

811-11

The HST will produce EMF/EMI along the portions of track and the HMF where trains are operating. When trains are not operating in a specific portion of the right of way, the EMF level will be low or zero. Accordingly the pattern of exposure to members of the public will be low except for the occasions when trains are passing. So the long term exposure pattern will be low or zero EMF exposure except for occasional short periods when an HST passes by.

EMF modeling has been performed to determine the levels of EMF/EMI that will be produced by the HST operating nearby. The modeling also shows the pattern of decay of these fields at distances away from the right of way since they diminish rapidly with distance.

The EMF/EMI section of the Draft EIR/EIS compares the highest levels of these EMFs and the IEEE standard 95.6. This standard is at a level of 9,040 milliGauss and is the maximum exposure level that the members of the public may safely be exposed to. This level of exposure will not be reached anywhere within or near the mainline HST right of way or on board the cars of an operating HST. Therefore members of the public will be

Response to Submission 811 (Donald H. Reineke, Reineke Investments, October 13, 2011) - Continued

811-11

protected. Away from the right of way, residents in nearby houses will also be protected since the level of EMF at the distance of the closest houses will have decayed to levels well below this standard.

For HST employees, the IEEE Standard 95.6 of 27,100 mG applies to occupational exposure to EMF. Employees of the HST will be adequately protected since they will not be exposed to this level of EMF.

One limited concern is for employees with implanted medical devices (e.g. pacemakers). Employees with such devices may need to be kept from entering the usually unmanned traction power substations until it can be shown that the EMF within the substations is below the threshold of interference for these types of implanted medical devices.

811-12

See MF-Response-GENERAL-2.

Submission 87 (Daniel Capener, Republic Services, September 6, 2011)

Merced - Fresno - RECORD #87 DETAIL

Status : Action Pending
Record Date : 9/6/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/6/2011
Submission Method : Project Email
First Name : Daniel
Last Name : Capener
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95814
Telephone :
Email : DCapener@republicservices.com
Cell Phone :
Email Subscription :
Add to Mailing List :

87-1

Stakeholder
Comments/Issues :

High Speed Rail Authority,

I am trying to ascertain if Goldenstate Blvd between Herndon Avenue and Shaw Avenue will be impacted by the high speed rail project.

Our business is Allied Waste Services of Fresno. We are located t 5501 N. Goldenstate Blvd. - Fresno, CA 93722

Our business is located on the west side of the current railroad tracks. (As are all of the businesses long Goldenstate between Herndon Ave. and Shaw Ave.) We have a roughly 5 acre parcel of land.

It appears the road could be widened or shifted to the west due to the high speed rail project. I am concerned that this might require the acquisition of some or all of our employee parking lot on the front side of our building. (Nearest to the current tracks)

Our property includes the following:

? Employee parking area
? Truck parking area (Truck yard for our garbage trucks)
? Debris box, bin, cart storage area
? Office building
? Truck service bays (Truck maintenance)
? Fueling station
? Weld shop
? Paint shop
? Wash station (Power wash bins and carts)

I need to make some relatively large financial decisions regarding the property in the very near future. We have a large contract which may come on line as early as December of this year. This will require capital improvements to our truck parking area and employee parking area. (In order to accommodate 22 additional garbage trucks and roughly 30 employee vehicles)

I need to know if our property will be impacted in any way because any loss of property may render the property unusable for us.

Clearly any loss of property would result in a hardship and we hope this can be mitigated in some way.

Thanks.

Dan Capener
General Manager - Fresno Division
Republic Services, Inc.
5501 N. Goldenstate Blvd.
Fresno, CA 93722

dcapener@republicservices.com<mailto:dcapener@republicservices.com>
559-275-1551 x3008 Office
925-250-2388 Cell
559-276-6075 Fax

EIR/EIS Comment :

Response to Submission 87 (Daniel Capener, Republic Services, September 6, 2011)

87-1

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-3.

Refer to Volume III, Alignment Plans and Other Appendices, for plan information to determine any potential property impacts.

Submission 1131 (keith schilling, royal pine greatness perfections, December 30, 2011)

Merced - Fresno - RECORD #1131 DETAIL

Status : Action Pending
Record Date : 12/30/2011
Response Requested :
Stakeholder Type : CA Resident
Submission Date : 12/30/2011
Submission Method : Website
First Name : keith
Last Name : schilling
Professional Title : town marshal
Business/Organization : royal pine greatness perfections
Address :
Apt./Suite No. :
City : madera
State : CA
Zip Code : 93637
Telephone : 5597065790
Email : schilling_k@yahoo.com
Cell Phone :
Email Subscription :
Add to Mailing List : No
Stakeholder Comments/Issues : This will not happen on my fukn watch so put it somwwhere else if not you no where to shove it trust me i will fight allways above it trust me i will fighy . This is our town fuck a train in the middle i will fighy This is out of your jurisdiction
EIR/EIS Comment : No

1131-1

Response to Submission 1131 (keith schilling, royal pine greatness perfections, December 30, 2011)

1131-1

See MF-Response-GENERAL-11

Submission 34 (Rick Aaronian, RSA Investments, LLC, August 14, 2011)

Merced - Fresno - RECORD #34 DETAIL

Status : Action Pending
Record Date : 8/14/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 8/14/2011
Submission Method : Website
First Name : Rick
Last Name : Aaronian
Professional Title : Member
Business/Organization : RSA Investments, LLC
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93722
Telephone : 559.287.5345
Email : prosth2th@yahoo.com
Cell Phone :
Email Subscription : Fresno - Bakersfield, Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :
EIR/EIS Comment : Yes

34-1

The pending realignment of Hwy 99 between Ashlan & Clinton Avenues of appx. 100' westward will absolutely devastate my business. This newly constructed business represents a 6M investment and liability on my part. With the ensuing loss of revenue, I will look forward to the compensation of lost revenue from the High Speed Rail Authority.

Response to Submission 34 (Rick Aaronian, RSA Investments, LLC, August 14, 2011)

34-1

See MF-Response-SOCIAL-1 and SOCIAL-3.

Submission 567 (Brady K. McGuinness, RSA investments, LLC (Attny for), October 11, 2011)

Merced - Fresno - RECORD #567 DETAIL

Status : Action Pending
Record Date : 10/11/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/11/2011
Submission Method : Project Email
First Name : Brady K.
Last Name : McGuinness
Professional Title :
Business/Organization : RSA investments, LLC (Attny for)
Address : 907 Santa Fe Avenue, Suite 201
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93721
Telephone : (559) 438-8500
Email : bmcguinness@bettsrubinlaw.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

Stakeholder
Comments/Issues :

BETTS & RUBIN
907 Santa Fe Avenue, Suite 201
Fresno, CA 93721
(559) 438-8500

To: California High-Speed Rail Authority - Merced to Fresno

Re: Merced to Fresno Draft EIR Comment

Dear Sir or Madam,

Our law firm represents RSA Investments, LLC ("RSA"), the owner of property located at 3515 West Dakota Avenue, Fresno, CA 93722, APN 433-060-26 immediately west of Highway 99. Our client is concerned with certain aspects of the proposed High-Speed Train Project ("HST"), in particular with the proposed realignment of Southbound State Route 99 in Fresno between Clinton and Ashlan Avenues and the elimination of southbound on and off ramps at Dakota, Shields and Princeton Avenues. In light of certain traffic and related concerns, RSA has requested that we submit this letter on its behalf offering comments to the Draft Environmental Impact Report/Statement: Merced to Fresno and related environmental documents ("EIR") for the proposed HST.

567-1

In the transportation section of the draft EIR, there is discussion and review of the realignment of Highway 99 in Fresno between Clinton and Ashlan Avenues. The review focuses and centers on "intercity" traffic and traffic-related impacts to SR 99 and the infrastructure associated with it. The analysis offers little evaluation and review of certain significant environmental impacts, namely traffic-related impacts to neighboring streets, businesses and residents due to the realignment and elimination of three (3) long standing southbound exits off of the 99. There is a fair argument that the elimination of three (3) off ramps will result in, not only traffic and circulation impacts to SR 99, but also significant environmental impacts to local streets and neighborhoods.

As should be reasonable expected, our Client, along with many other local

Submission 567 (Brady K. McGuinness, RSA investments, LLC (Attny for), October 11, 2011) - Continued

567-1

businesses and residents that are in close proximity to SR 99 and its southbound exits, rely heavily on this infrastructure for access. Elimination of the exits at Dakota, Shields and Princeton will create intracity traffic and circulation impacts in this area that need to be completely studied. These impacts cannot be mitigated and addressed merely by the expansion of the Highway, use of the rail system (reductions in intercity trips) and improvements of off ramps more than a mile away.

With this loss of points of major highway acces, there will undoubtedly be greater reliance on local roads for local residents and businesses. These local roads will need to efficiently accommodate the greater traffic levels. Additionally, residents, customers and other local traffic will be forced to travel greater distances to access the Highway and other areas within Fresno.

In reviewing the EIR, we have not been able to locate any daily trip counts or analysis for these impacted local roads adjoining and near SR99 and the three impacted off ramps. Additionally, other environmental impacts, including air quality issues, associated with the greater distances travelled and reliance upon local roads for transportation in the area has not been evaluated.

Moreover, with a loss of highway access and greater customer inconvenience, there is a fair argument that service and retail businesses in the area, including our Client that operates a self storage business, will suffer dramatic economic loss. The resulting business losses will likewise reduce tax revenue for the City and other governmental agencies that can jeopardize funding of environmental protections (including street and road maintenance) for the area.

With regard to these study related issues, there are a number of neighboring businesses and residents that share similar concerns and issues with the proposed realignment and elimination of off ramps. To assist with the Authority's review, please find attached hereto a petition signed by local residents and business raising similar objections to traffic and access and hereby objecting to the elimination of these SR 99 exits.

In light of the foregoing, RSA contends and avers that the proposed EIR is inadequate and deficient. There are certain traffic and related

567-1

unmitigated environmental impacts associated with the realignment of SR 99 and the elimination of off ramps in Fresno that are significant and should be further studied. In evaluating these impacts, the Authority should appropriately consider mitigation measures to minimize traffic and circulation impacts, including the realignment of the proposed route in this area to avoid unnecessary traffic and neighborhood impacts.

Brady K. McGuinness

BETTS & RUBIN

907 Santa Fe Avenue, Suite 201

Fresno, CA 93721

Office - (559) 438-8500

Fax - (559) 438-6959

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EIR/EIS Comment :
Attachments :

Yes
Petition California High-Speed Rail RSA Investments.pdf (414 kb)

Submission 567 (Brady K. McGuinness, RSA investments, LLC (Attny for), October 11, 2011) - Continued

10-10-2011 8:16AM FROM RICK S AARONIAN DDS 1 559 447 5602

P. 2

To: **California High-Speed Rail Authority**
Subject: **Save Dakota, Shields and Princeton Ave exits from closing!**
Please sign the following petition addressed to: California High-Speed Rail Authority.

Save Dakota, Shields and Princeton Ave exits from closing!

Greetings,

These exits from 99 south make it possible for 100's of businesses and their employees and 1000's of families to get back and forth to their jobs, grocery stores, schools and churches in a timely and efficient manner.

Senior Citizens Mobile Home Parks as well as RV Storage, Household Storage, Small Business, Hotels, Churches, Grocery Stores and Mom & Pop businesses will be affected by the loss of business due to the inconvenience of closing these exits.

1000's of families will also be affected by the rise in costs due to the extra mileage driven each day! Estimated extra cost of fuel per family per year is \$273.00. Estimated fuel usage goes up by 80 gallons. Estimated extra time is 54 hours per year.

Name	Address	Signature
David L. ...	3189 W. Pico Ave Fresno CA	David L. ...
ROSEANNE ...	2513 W. WILLOW CLOVES CA	Melita ...
Don Bullman	4751 - E. Indiana Ave Fresno CA	Don Bullman
Diane Brillhart	4751 E. Indiana Ave Fresno CA	Diane Brillhart
R.M. ...	5068 N. ... Fresno CA 93724	R.M. ...
David ...	3115 N. ... Fresno CA 93702	David ...
ALEX ...	9515 W. DAKOTA AVE	ALEX ...
NATHAN ...	3530 N. ... Fresno CA 93722	NATHAN ...
NATHAN ...	6799 ... Fresno CA 93722	NATHAN ...
Robert ...	6044 E. ... Fresno 93722	Robert ...
Stacy ...	3412 N. ... Fresno 93722	Stacy ...
Brian ...	2196 W. Liberty St. Hanford 93230	Brian ...
William ...	3660 W. ... Fresno 93711 #105	William ...
Jonathan ...	4025 N. ... Fresno CA 93726	Jonathan ...
James ...	3362 P. ... Fresno CA	James ...
Carol ...	10014 N. ... Fresno CA	Carol ...

10-10-2011 8:17AM FROM RICK S AARONIAN DDS 1 559 447 5602

P. 3

To: **California High-Speed Rail Authority**
Subject: **Save Dakota, Shields and Princeton Ave exits from closing!**
Please sign the following petition addressed to: California High-Speed Rail Authority.

Save Dakota, Shields and Princeton Ave exits from closing!

Greetings,

These exits from 99 south make it possible for 100's of businesses and their employees and 1000's of families to get back and forth to their jobs, grocery stores, schools and churches in a timely and efficient manner.

Senior Citizens Mobile Home Parks as well as RV Storage, Household Storage, Small Business, Hotels, Churches, Grocery Stores and Mom & Pop businesses will be affected by the loss of business due to the inconvenience of closing these exits.

1000's of families will also be affected by the rise in costs due to the extra mileage driven each day! Estimated extra cost of fuel per family per year is \$273.00. Estimated fuel usage goes up by 80 gallons. Estimated extra time is 54 hours per year.

Name	Address	Signature
Staphanie	3315 N. ... 93722	Staphanie
Andre ...	3365 N. ...	Andre ...
Rosalinda ...	3582 ... Fresno	Rosalinda ...
ROSEANNE ...	3582 W. DAKOTA Ave Fresno	ROSEANNE ...
Maria ...	3592 W. Dakota Ave	Maria ...
Madeline ...	3571 W. Robinson	Madeline ...
Steve ...	3347 W. ... Ave	Steve ...
... 3250 N. ...	3250 N.
Brian ...	3540 W. ... Ave	Brian ...
...	3553 W. ... Ave	...
...	3574 W.
...	3358 N.
...	3365
J.C. ...	3398 N. ...	J.C. ...
...	3388 N.
IVAN	3388 N. ... 93722	IVAN

P. 4

P. 5

Name	Address	Signature
Patrick O'Neil	3820 W. Bowery Ave Fresno CA 93722	[Signature]
Patrick O'Neil	3820 W. Bowery Ave Fresno CA 93722	[Signature]
Ramona	P.O. Box 11792 Fresno CA 93725	R. Richardson
Quinta Garcia	5587 N. Dewey Fresno CA 93722	[Signature]
Walter Poirer	3388 N. Dewey Fresno CA 93722	Jane, Becker
Reginal Faust	3397 N. Selland Ave Fresno CA 93722	Reginal Faust
Luisa Garcia	3397 N. Selland Ave Fresno CA 93722	[Signature]
	3397 N. Selland Ave Fresno CA 93722	[Signature]
Antonio Hernandez	3397 N. Selland Ave Fresno CA 93722	Antonio H.
Guillermo Flores	3397 N. Selland Ave Fresno CA 93722	Guillermo Flores
Cheryl Gonzales	3373 N. Selland Ave Fresno CA 93722	[Signature]
Pedro Quirak	3295 N. Santa Fe Ave Fresno CA 93722	Pedro Quirak
Quirak Smith	3625 N. Parkway Drive Fresno CA 93722	Pedro Quirak
Quirak Smith	3470 N. Selland Ave Fresno CA 93722	[Signature]
Crystal Gonzalez	3373 N. Selland Ave Fresno CA 93722	Crystal Gonzalez
Andie Gonzalez	3373 N. Selland Ave Fresno CA 93722	Andie Gonzalez

Submission 567 (Brady K. McGuinness, RSA investments, LLC (Attny for), October 11, 2011) - Continued

10-10-2011 8:19AM FROM RICK S AARONIAN DDS 1 559 447 5602

P. 6

To: **California High-Speed Rail Authority**
Subject: **Save Dakota, Shields and Princeton Ave exits from closing!**

Please sign the following petition addressed to: California High-Speed Rail Authority.

Save Dakota, Shields and Princeton Ave exits from closing!

Greetings,

These exits from 99 south make it possible for 100's of businesses and their employees and 1000's of families to get back and forth to their jobs, grocery stores, schools and churches in a timely and efficient manner.

Senior Citizens Mobile Home Parks as well as RV Storage, Household Storage, Small Business, Hotels, Churches, Grocery Stores and Mom & Pop businesses will be affected by the loss of business due to the inconvenience of closing these exits.

1000's of families will also be affected by the rise in costs due to the extra mileage driven each day! Estimated extra cost of fuel per family per year is \$273.00. Estimated fuel usage goes up by 80 gallons. Estimated extra time is 54 hours per year.

Name	Address	Signature
SEAN GABRIEL	517 W KAROSH AVE	[Signature]
Robert A. Bayley	543 AL Birch Ave	[Signature]
Brian Curley	7333 N TISLEMAN AVE FRESNO	[Signature]
David Manderson	3167 W Ashcroft Ave	[Signature]
H Weber	1238 ESTHER WAY	[Signature]
Roxa Danylo	15860 Enadia Way Van Nuys CA	[Signature]
R. Valenzuela	3028 W. DELICATA Fresno CA 93705	[Signature]
Daniel Reyes	2452 N. E. Captain Fresno 93733	[Signature]
Rick Aronson	7560 N. Vindicator Fresno 93711	[Signature]
LARRY BURDET	3515 W. DIXON AVE Fresno 93722	[Signature]
TERRY BENNETT	8615 W. DIXON AVE Fresno 93722	[Signature]
Almaida Vala	2972 Sylmar Blvd CA 91312	[Signature]
Michelle Castillo	1315 N. LATIN AVE Fresno, CA 93730	[Signature]
Sandra Rencart	5746 N. Carica Ave. Fresno, CA 93732	[Signature]
Christina Sosa	2706 W. Ashlan Fresno CA 93705	[Signature]
RAY Sosa	2706 W. Ashlan Fresno, CA 93705	[Signature]

10-10-2011 8:20AM FROM RICK S AARONIAN DDS 1 559 447 5602

P. 7

To: **California High-Speed Rail Authority**

Subject: **Save Dakota, Shields and Princeton Ave exits from closing!**

Please sign the following petition addressed to: California High-Speed Rail Authority.

Save Dakota, Shields and Princeton Ave exits from closing!

Greetings,

These exits from 99 south make it possible for 100's of businesses and their employees and 1000's of families to get back and forth to their jobs, grocery stores, schools and churches in a timely and efficient manner.

Senior Citizens Mobile Home Parks as well as RV Storage, Household Storage, Small Business, Hotels, Churches, Grocery Stores and Mom & Pop businesses will be affected by the loss of business due to the inconvenience of closing these exits.

1000's of families will also be affected by the rise in costs due to the extra mileage driven each day! Estimated extra cost of fuel per family per year is \$273.00. Estimated fuel usage goes up by 80 gallons. Estimated extra time is 54 hours per year.

[illegible]

Response to Submission 567 (Brady K. McGuinness, RSA investments, LLC (Attny for), October 11, 2011)

567-1

Per discussion with Caltrans at the December 1 meeting, the City is generally in agreement with these closures.

The analysis presented in the DEIR/EIS includes an assessment of how traffic will redistribute on the local streets with the closure of ramps, including the three ramps mentioned in this comment. Traffic counts are contained in the traffic technical appendix to the EIR. Peak hour traffic typically presents the worst-case scenario, hence analysis was focused to identify impacts and suggest mitigations for peak-hour traffic conditions that may result from this redistributed traffic (note that the air quality analysis also accounted for the redistributed traffic). A thorough traffic level of service analysis was performed for the peak hour conditions to best assess the impacts. The redistribution of traffic from the ramp closures was explicitly included in the report. Traffic analysis focused on intersections because those were the locations identified to have the greatest impacts of the proposed movements.

See MF-Response TRAFFIC-2 and MF-Response-SOCIAL-3.

Submission 712 (Melinda Marks, San Joaquin River Conservancy, October 13, 2011)



5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

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Melinda S. Marks
Executive Officer

Edmund G. Brown Jr., Governor
STATE OF CALIFORNIA

350.45

Sent via email
October 13, 2011

California High Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento CA 95814

Dear Authority Project Managers:

Comments on Draft EIR/EIS for the Merced to Fresno Section of the High Speed Rail

The San Joaquin River Conservancy is a regionally governed state agency formed to implement and manage the San Joaquin River Parkway, a planned 22-mile regional natural and recreation area in the river-bottom extending from Friant Dam to Highway 99. The Conservancy's mission includes acquiring approximately 5,900 acres from willing sellers, operating and managing those lands for public recreation and education, and protecting, enhancing, and restoring riparian and floodplain habitat.

The Conservancy governing board adopted the San Joaquin River Parkway Master Plan and certified its programmatic Environmental Impact Report in 1997. The Parkway Master Plan provides goals, objectives, and design standards for appropriate public recreational uses, trail corridors, habitat restoration, fishing and boating access, etc. on public Parkway lands. Parkway Master Plan goals, objectives, and policies have been adopted in the City of Fresno, County of Fresno, and County of Madera General Plans.

The proposed High Speed Rail (HSR) crossing of the San Joaquin River will directly, negatively affect the planned Parkway and an existing Parkway public use and habitat conservation/restoration area, designated as Camp Pashayan. Camp Pashayan consists of approximately 31 acres on the Fresno County side of the river adjacent east of Highway 99. Approximately 20 acres are owned and managed by the California Department of Fish and Game as a unit of the San Joaquin River Ecological Reserve. The remaining 11 acres are owned and managed by the San Joaquin River Parkway and Conservation Trust. (Please see comments of the River Parkway Trust for a map and additional information about these ownerships.)

The proposed project will: require the HSR Authority to acquire a portion of Camp Pashayan; generate negative impacts on habitat at the crossing, upstream, and downstream; and diminish the quality of the outdoor experience for visitors due to noise, aesthetics, disruption to wildlife, etc. The proposed project may require the removal and relocation of a restroom, trails, parking and picnic facilities.

SJRRP
September 21, 2011
Page 2

712-1

The following are recommended:

1. Impacts on Camp Pashayan due to HSR right-of-way acquisition and other long and short-term impacts should be fully mitigated in accordance with all rules and regulations applicable to the project's impacts on public parks.
2. Where the proposed project requires reconfiguration of local streets and neighborhood walkways, pedestrian, bicycle and vehicle access to Camp Pashayan and the Parkway should be accommodated and directional signage to the Parkway should be provided.
3. The proposed project should not preclude pedestrians from traversing under the rails along the river for river access, fishing, and walking to recreational features on either side of the crossing.
4. To mitigate impacts of the proposed project at the river crossing, the Conservancy strongly encourages the HSR Authority to work with Parkway interests to provide compensatory mitigation within the Parkway, and in the immediate vicinity of the crossing to the extent possible.
5. HSR should work with the Conservancy and its partners to meet other habitat conservation or enhancement mitigation requirements by supporting Parkway habitat enhancement and restoration projects or contributing toward Parkway conservation land acquisitions. These partnerships could meet regulatory mitigation obligations cost-effectively, directly benefit the region, maximize habitat benefits by creating larger scale protected areas, and help to accomplish regional resource conservation and management objectives.
6. It is noted that HSR has identified private lands lying on the Madera County side of the river, north of Camp Pashayan, for possible acquisition for the proposed project. HSR should work with the Conservancy and its partners to determine if those lands, once they come under public ownership, could serve multiple public uses, such as providing a public river vista point, habitat area, river access, or other Parkway use.
7. While HSR has a very focused objective, there may be other opportunities to collaborate to serve multiple public benefits. The Parkway Master Plan includes river crossings to ensure that residents in both Fresno and Madera counties can enjoy recreation on the river. The goal is to provide an interlinked Parkway trail system, and connect to existing and planned regional trails and bikeways, including those in the City of Fresno's Pedestrian and Bicycle Master Plan. The Conservancy requests the opportunity to meet with the engineers of the HSR crossing at the San Joaquin River, to determine if it would be feasible for the crossing structure to include a pedestrian/bicycle bridge deck.

Please contact me at (559) 253-7324 or email Melinda.Marks@sjrc.ca.gov if you need additional information.

Respectfully,

Melinda S. Marks
Executive Officer

Response to Submission 712 (Melinda Marks, San Joaquin River Conservancy, October 13, 2011)

712-1

Any impacts to parks identified in Section 3.15.5 (Parks, Recreation, and Open Space) would be addressed by the mitigation measures identified in Section 3.15.6. To the extent possible the design of the HST project has minimized the impact on parks, recreation, and open space. As the design progresses any impacts to parks would be further reviewed, refined, and applied to further minimize the overall impacts.

Mitigation will include in-lieu fee for property impacts associated with pier installation as well as revegetation of disturbed areas with native plantings (consistent the CDFG vegetation/landscaping plans for the reserve).

Existing access points to the park would remain during construction, since Project construction would be along the very southern boundary of the park and vehicle/bicycle/pedestrian access is well north of the construction zone; therefore, visitors would be continue to be able to access the park as they do currently. The HST Project will not affect the existing restroom, picnic or parking facilities, nor will it affect any existing park trails. Only the southern end of the park in the construction zone (the area that would be beneath the HST structure) would be access-restricted during construction consistent with HST, FRA, and DHS policies regarding construction zone safety practices.. See Section 3.15 and Chapter 4 for more detail regarding construction impacts and park access.

Submission 734 (Dave Koehler, San Joaquin River Parkway and Conservation Trust Inc, October 13, 2011)



October 13, 2011

Sent via e-mail

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814
Merced_Fresno@hsr.ca.gov

Subject: Draft EIR/EIS for the Merced to Fresno Section of the
California High-Speed Rail Authority

Dear California High-Speed Rail Authority:

Thank you for the opportunity to provide comments on the Draft EIR/EIS (DEIR/S) for the Merced to Fresno Section of the California High-Speed Rail Authority. The San Joaquin River Parkway and Conservation Trust (the "Trust") is submitting these comments to provide input on the Project because of our mission to implement the San Joaquin River Parkway and because of the real property interests we own that will be impacted by the Project.

Impacts to Trust Property

The Project will directly impact Trust property that is located in Fresno on the San Joaquin River at Highway 99. Our ownership is "Parcel B" as shown on the attached Exhibit Map; a copy of our Deed and legal description is also attached. "Parcel A" on the Exhibit Map is owned by the California Department of Fish and Game (DFG) and is part of the San Joaquin Ecological Reserve, which has a special land status that is defined in the California Public Resources Code. Together, "Parcel A" and "Parcel B" are known as Camp Pashayan, which is operated as a public park permitted by the City of Fresno and cooperatively managed by the Trust and DFG. Activities for the public include wildlife habitat conservation, interpretation, picnicking, boat launch, fishing, and swimming.

CREATING AND PROTECTING THE SAN JOAQUIN RIVER PARKWAY

11605 Old Friant Road • Fresno, California 93730-9701 • 559-248-8460 • Fax: 559-248-8474 • www.riverparkway.org

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Christopher A. Brown
General Counsel

Dave Koehler
Executive Director

Letter to California High Speed Rail Authority
from the San Joaquin River Parkway and Conservation Trust
October 13, 2011
Page 2 of 3

734-1

Environmental Review, mitigation measures, and compensation for impacts to the Trust's real property interest should be based on all the appropriate rules and regulations related to impacts to a public park, the sensitive riparian resources found on the San Joaquin River, and land that has been given special status as being part of the San Joaquin River Ecological Reserve. All inquiries, correspondence and communications related to "Parcel B" should be directed to the Trust.

Potentially Significant Impacts to Riparian Areas

The Project will potentially create significant impacts to riparian habitat and associated species on the San Joaquin River along the Project's corridor at Highway 99, and may have associated impacts to riparian resources upstream and downstream from the river crossing. The area is part of the San Joaquin River Parkway Master Plan and included in the jurisdiction of the San Joaquin River Conservancy as outlined in the San Joaquin River Conservancy Act. All impacts to fish, plants, and wildlife should be avoided to the greatest extent possible and any impacts fully mitigated within the San Joaquin River Parkway.

Potentially Significant Impacts to Recreation

The Project will potentially significantly impact public recreation activities provided at Camp Pashayan which include wildlife viewing, fishing, picnicking, boat launch, and hiking. It will also impact public park facilities at Camp Pashayan such as restrooms, parking, trails, and picnic facilities. The San Joaquin River is a public waterway and the public has a right to use it for navigation, fishing, boating, natural habitat protection and other water oriented activities that are protected by the Common Law doctrine of the Public Trust. The Project will likely change transportation routes to and from Camp Pashayan and mitigation measures should provide appropriate way finding signage to the Parkway. Bike routes, and links to pedestrian and bicycle trails should be provided to the Parkway (see and review the City of Fresno Pedestrian and Bicycle Master Plan). The DEIR/S should fully analyze impacts to these recreation facilities and provide mitigation measures that result in enhancing recreation opportunities at this location.

A bicycle and pedestrian crossing of the river should be provided at this location that is integrated with the San Joaquin River Parkway trail system. See related policies in the City of Fresno Pedestrian and Bicycle Master Plan, the 2025 Fresno General Plan, and the San Joaquin River Parkway Master Plan.

Submission 734 (Dave Koehler, San Joaquin River Parkway and Conservation Trust Inc, October 13, 2011) - Continued

Letter to California High Speed Rail Authority
from the San Joaquin River Parkway and Conservation Trust
October 13, 2011
Page 3 of 3

734-1

Potentially Significant Impacts to Scenic Bluffs and River Vistas
The river bluff between the Project and the San Joaquin River is a unique geological feature with natural and scenic resources. The Project should provide a public River Vista for San Joaquin River Parkway visitors and include a trail and river access staging area and interpretive signage of the San Joaquin River. Viewing opportunities should be provided for the public to overlook the San Joaquin River and bluffs.

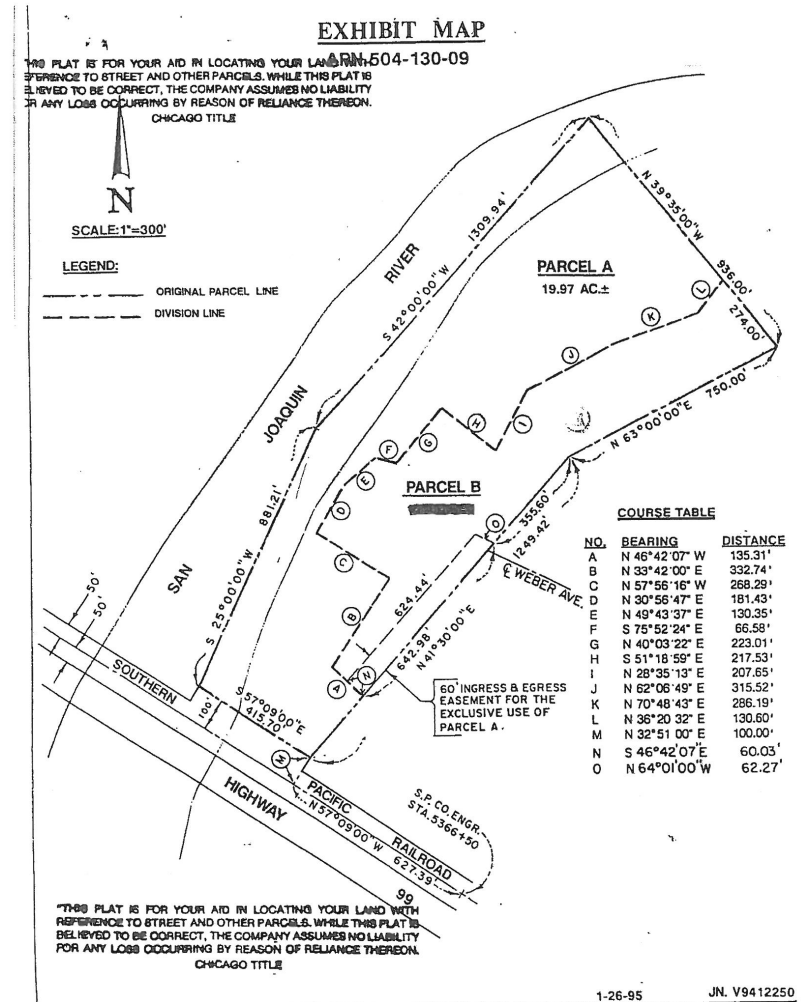
Thank you for the opportunity to provide these comments and please contact us should you have any questions or need additional information.

Sincerely,


Dave Koehler
Executive Director

About the San Joaquin River Parkway and Conservation Trust

The San Joaquin River Parkway and Conservation Trust is a California non-profit land trust formed in 1988 with a governing board of volunteer citizens from Madera and Fresno County communities. Our mission is "To preserve and restore San Joaquin River lands having ecological, scenic or historic significance, to educate the public on the need for stewardship, to research issues affecting the river, and to promote educational, recreational, and agricultural uses consistent with the protection of the river's resources."



Submission 734 (Dave Koehler, San Joaquin River Parkway and Conservation Trust Inc, October 13, 2011) - Continued

COPIES REQUESTED BY
CHICAGO TITLE COMPANY
WHEN RECORDED MAIL TO
San Joaquin River Parkway
Conservation Trust
1550 E. Shaw, Ste. 114
Fresno, CA. 93710

CHICAGO TITLE
RECORDED IN OFFICIAL RECORDS OF
FRESNO COUNTY, CALIFORNIA
AT 8A MIN PAST 8A M
MAY 5 1995

FRESNO COUNTY, CALIFORNIA
WILLIAM C. GREENWOOD, County Recorder
JODI CAMP
BY DEPUTY RECORDER

Escrow No. 446783 -MT
Order No. 446783 -JB

95054668
MAY 19 1995

FEE \$10

PROPERTY TRANSFER TAX
PAID
\$150.70
FRESNO COUNTY

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$150.70
☒ unincorporated area ☐ City of
☒ computed on the full value of the interest or property conveyed, or is
☐ computed on the full value less the value of liens or encumbrances remaining at time of sale, and
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
SEQUOIA COUNCIL, INC. BOY SCOUTS OF AMERICA,

hereby GRANT(S) to
SAN JOAQUIN RIVER PARKWAY CONSERVATION TRUST, a California non-profit corporation,

the following described real property in the
County of Fresno, State of California:
LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
SUBJECT TO: Declaration of Covenants, Conditions & Restrictions being recorded
concurrently herewith.

Dated May 1, 1995

STATE OF CALIFORNIA
COUNTY OF Fresno) ss.
On MAY 1, 1995 before me,
the undersigned ROBERT E. BERGIN
a Notary Public in and for said County and State, personally appeared
JAMES R. MAXWELL
JEFFREY G. BOJWELL
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary
FOR NOTARY SEAL OR STAMP
MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

je 1
Escrow No. 446783 -MT

LEGAL DESCRIPTION EXHIBIT

A portion of that certain parcel, as described in that Quitclaim Deed to Stewart & Nuss, Inc., recorded December 2, 1964 in Book 5100, Page 500, as Document No. 93344, Fresno County Official Records, said parcel also shown on a Record of Survey filed February 1, 1936 in Volume 12 of Record of Surveys, Page 9, Fresno County Records, all lying within Sections 31 and 32, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Beginning at the most Easterly corner of said parcel; thence South 63° 00' 00" West, along the Southeasterly line of said parcel, a distance of 750.00 feet to an angle point in said Southeasterly line; thence South 41° 30' 00" West, along said Southeasterly line, 998.58 feet; thence North 46° 42' 07" West, 135.31 feet; thence North 33° 42' 00" East, 332.74 feet; thence North 57° 56' 16" West, 268.29 feet; thence North 30° 56' 47" East, 181.43 feet; thence North 49° 43' 37" East, 130.35 feet; thence South 75° 52' 24" East, 66.58 feet; thence North 40° 03' 22" East, 223.01 feet; thence South 51° 18' 59" East, 217.53 feet; thence North 28° 35' 13" East, 207.65 feet; thence North 62° 06' 49" East, 315.52 feet; thence North 70° 48' 43" East, 286.19 feet; thence North 36° 20' 32" East, 130.60 feet to a point on the Northeasterly line of said parcel; thence South 39° 35' 00" East, along said Northeasterly line 274.00 feet to the point of beginning.

EXCEPTING THEREFROM all the land located below the highest of the high watermarks of the San Joaquin River in the event the boundary has been artificially raised or is now or at any time has been below the highwatermark, if said river is in its natural state.

Submission 734 (Dave Koehler, San Joaquin River Parkway and Conservation Trust Inc, October 13, 2011) - Continued

CHICAGO TITLE 95054669

RECORDED IN OFFICIAL RECORDS OF
FRESNO COUNTY, CALIFORNIA

AT MIN PAST MAY 5 1995

FRESNO COUNTY, CALIFORNIA
WILLIAM C. GREENWOOD, County Recorder

JODI CAMP
BY DEPUTY RECORDER

Escrow No. 446783 -MT
Order No. 446783 -JS

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$NONE DUE
☒ unincorporated area ☐ City of
☒ computed on the full value of the interest or property conveyed, or is
☐ computed on the full value less the value of liens or encumbrances remaining at time of sale, and
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
SEQUOIA COUNCIL, INC. BOY SCOUTS OF AMERICA,

hereby REMISE, RELEASE AND FOREVER QUITCLAIM to
SAN JOAQUIN RIVER PARKWAY CONSERVATION TRUST, a California non-profit corporation,

the following described real property in the
County of Fresno, State of California:
A portion of that certain parcel, as described in that Quitclaim Deed to Stewart &
Nuss, Inc., recorded December 2, 1964 in Book 5100, Page 500, as Document No. 93344,
Fresno County Official Records, said parcel also shown on a Record of Survey filed

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated May 1, 1995

STATE OF CALIFORNIA
COUNTY OF FRESNO) SS.
On MAY 1, 1995 before me,
the undersigned, ROBERT E. BERGIN
a Notary Public in and for said County and State, personally appeared
JAMES R. MAXWELL
personally known to me for proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

LEGAL DESCRIPTION EXHIBIT

February 1, 1936 in Volume 12 of Record of Surveys, Page 9, Fresno County Records, all lying within Sections 31 and 32, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Beginning at the most Easterly corner of said parcel; thence South 63° 00' 00" West, along the Southeasterly line of said parcel, a distance of 750.00 feet to an angle point in said Southeasterly line; thence South 41° 30' 00" West, along said Southeasterly line, 998.58 feet; thence North 46° 42' 07" West, 135.31 feet; thence North 33° 42' 00" East, 332.74 feet; thence North 57° 56' 16" West, 268.29 feet; thence North 30° 56' 47" East, 181.43 feet; thence North 49° 43' 37" East, 130.35 feet; thence South 75° 52' 24" East, 66.58 feet; thence North 40° 03' 22" East, 223.01 feet; thence South 51° 18' 59" East, 217.53 feet; thence North 28° 35' 13" East, 207.65 feet; thence North 62° 06' 49" East, 315.52 feet; thence North 70° 48' 43" East, 286.19 feet; thence North 36° 20' 32" East, 130.60 feet to a point on the Northeasterly line of said parcel; thence South 39° 35' 00" East, along said Northeasterly line 274.00 feet to the point of beginning.

Response to Submission 734 (Dave Koehler, San Joaquin River Parkway and Conservation Trust Inc, October 13, 2011)

734-1

Any impacts to the San Joaquin River Parkway/Camp Pashayan identified in Section 3.15.5 (Parks, Recreation, and Open Space) would be addressed by the mitigation measures identified in Section 3.15.6 (see PK-MM#3 and PK-MM#6). To the extent possible, the design of the HST project has minimized the impact on parks, recreation, and open space. As the design progresses any impacts to parks would be further reviewed, refined, and applied to further minimize the overall impacts and pier footprint in the Reserve lands area. Mitigation would be consistent with Title 14 obligations to uphold the intent of the San Joaquin River Reserve consisting of in lieu fee to be used in land replacement acquisition and replacement native plantings. Existing access points to the San Joaquin River Parkway/Camp Pashayan would remain during construction, since Project construction would be along the very southern boundary of Camp Pashayan and vehicle/bicycle/pedestrian access is well north of the construction zone; therefore, visitors would be continue to be able to access the park as they do currently. Only the southern end of Camp Pashayan in the construction zone (the area that would be beneath the HST structure) would be access-restricted during construction. With regard to potential impacts to riparian areas and associated species, please see MF-Response-BIO-3. Also see MF-Response-VISUAL-3.

Submission 654 (Michael Marchini, Santa Fe Farms, October 7, 2011)

10-07-11PC111 RCVB

October 4, 2011

California High Speed Rail Authority &
Federal Railroad Administration
Merced to Fresno Draft EIR/EIS
Comment
770 L Street, Suite 800
Sacramento, CA 95814
merced_fresno@hsr.ca.gov
Re: Merced to Fresno Draft EIR/EIS Comment

To the Authority and the Administration:

My brother and I farm approximately 500 acres of land planted to almonds, row crops and field crops in the Le Grand area. Much of our land is located just east of the town of Le Grand, between Jordan Road to the north and Dead Man's Creek to the south and east. The proposed Le Grand Bypass runs diagonally through the heart of our farm. The version of the BNSF Alternative that does not employ the Bypass, but which runs more or less parallel to the existing tracks, would cut through the eastern portion of land we own that fronts Santa Fe Road running south from the intersection of Santa Fe Road and Fresno Road. (See enclosed photo) Parts of this farm were purchased by our parents with a life time's hard work. Our father is an immigrant from Italy. The balance represents our effort, and that of another brother and sister, to add to what our parents started. I make these comments, for myself, my father, my brothers and my sister, in response to the California High-Speed Train ("HST") Project Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") made available for public comment on August 15, 2011. My comments are limited to the Merced to Fresno Section of the HST system at the project level (the "Project").

654-1

Our family has serious concerns about proceeding with the Project at any location, at least until there is certainty that the entire project (from Southern California to the Bay Area) will be built. Moreover, we believe that there are many other projects, such as construction of dams and repair of roadways, that should be built before the state undertakes construction of a high speed railway.

Should high speed rail go forward, however, we believe the BNSF Alternative has severe detrimental impacts on the human and biological environment that far outweigh the benefit of proceeding with the project in that area. All versions of the BNSF Alternative (including, in particular, the two versions of the Le Grand Bypass) will a) impose severe adverse environmental impacts on the efficient use of farm land in the Le Grand area, b) severely impact Mariposa Creek and its distributaries, a biologically and historically important water system in

our area, and c) cost more to build and operate than other available alternatives.

We believe the BNSF Alternative should not be chosen for, among others, the following reasons:

654-2

1. **The BNSF Alternative Jeopardizes More Prime Farmland and Williamson Act Land than any other Alternative.**

According to the Draft EIR/EIS the BNSF Alternative will affect several times more prime farmland and Williamson Act land than the other alternatives. (Draft EIR/EIS Table S-4, p. S-35. Draft EIR/EIS Table 3.7-17, p. 3.7-74.) This detriment to the Valley's most important and unique biological and economic resource, fertile farm land, standing alone, should compel the use of other alternatives.

2. **The BNSF Alternative Destroys More Agricultural Land and Causes More Road Closures Than Any Other Alternative.**

A. Impact on Farms. The BNSF Alternative would cause the greatest destruction of farmlands when compared to all of the alternatives because more of the BNSF Alternative guideway diverges from existing major transportation corridors. (Draft EIR/EIS p. S-19.)

654-3

As I mentioned above, the proposed Le Grand Bypass cuts through the heart of our farm running on a northwest to southeast diagonal beginning to the west of the intersection of Fresno and Jordan roads. Just past Mariposa Creek heading south the proposed right of way will enter our family's land. The right of way will sever the only private road that provides access to the eastern most parcel of land we own in that area. That parcel, consisting of just under twenty acres, will be land locked by the right of way to the west and south. Mariposa Creek and a Merced Irrigation District ("MID") lateral canal block access from the north and east. The right of way will also sever land we own to the west from its sole sources of water, the MID lateral and a well located on the eastern parcel that will become landlocked by the right of way.

The right of way itself will pass through a forty acre parcel owned by our father. It will pass through his home. A portion of our father's parcel that is adjacent to our landlocked twenty acre parcel will become landlocked for the same reasons. In addition, more land will be lost on the southern edge of the parcel due to construction of an overpass on Le Grand Road.

The right of way will continue to the south through another forty acre parcel owned by our father. The right of way will pass through my home, our shop and our barn. It will destroy an orchard that is in its prime production years. It will sever two pipelines that carry

Submission 654 (Michael Marchini, Santa Fe Farms, October 7, 2011) - Continued

654-3

water to the western part of the forty acre parcel and to another eighty acre parcel we own located to the south. It appears that the right of way and Le Grand Road overpass will have the effect of land locking the southwest portion of the forty acre parcel located to the south of Le Grand Road and the totality of the eighty acre parcel that adjoins it to the south. The overpass and railroad right of way will prevent access from the north and east, the MID lateral will prevent access from the west, and the existing BNSF tracks will prevent access from the south.

To summarize, the proposed 100 to 150 foot wide right of way that crosses diagonally through two forty acre parcels will, in addition to occupying the acreage upon which the right of way would sit, also land lock an additional twenty acres to the north and east and eighty acres to the south and west. The right of way will, by cutting the pipelines that run from the MID lateral north of Le Grand Road, sever the sole source of irrigation water for a total of approximately 160 acres (our landlocked twenty acres, our father's forty acres, our additional forty acres to the west and an additional sixty acres to the west that we lease from a neighbor.) South of Le Grand Road, the right of way will sever the western portion of the forty acre parcel where my house lies from the sole well to the east. This relatively short stretch of the Le Grand Bypass will, in addition to occupying the land upon which the right of way is built, cause a total of approximately two hundred and eighty acres to lose surface access and/or access to irrigation water. It will destroy two houses, a shop and a barn. It will sever three pipelines and three private roads. This is just one example of the tremendous cost to environmental and economic resources that will be caused by the proposed Bypass.

654-4

I have attended various community meetings sponsored by the High Speed Rail Authority. Although the engineers in attendance concede the detailed engineering for the Bypass has not been performed, they suggest in very general terms that our private roads and irrigation sources will somehow be made "as good as or better than new" when construction is completed. Based upon the facts noted above, our family doubts this is physically possible. Even if some of the private roads and pipelines can be restored or replaced, there will also necessarily be some amount of time during which these improvements are under construction. During this period of time; a season, two or even three, at least half of our farm will be out of production. We cannot afford this. Moreover, leaving the land fallow and un-tended for one to three years will cause the orchards to die and the open land to become choked with weeds. Make no mistake, construction of the Bypass will simply put our family out of business and cause us to lose our livelihood. The same is most likely true for many of our neighbors to the north and south. Not only will we, the farmers, suffer; the community and the state at large will lose many agricultural jobs that are renewed from year to year (unlike the construction jobs that will end when the project is finished). Moreover, local, state and federal government will lose a source of property tax and income tax revenue.

654-5

B. Impact to the road system. Many passenger vehicles, trucks hauling gravel and farm products, and items of farm equipment cross the BNSF tracks at-grade in the area where we farm. According to the Draft EIR/EIS, the BNSF Alternative will cause 27 to 42

654-5

permanent road closures in the Merced, Chowchilla, and Madera areas. These road closures will dramatically increase farming costs and air pollution as well as decreasing traffic safety because farmers will be required to drive substantial additional distances to reach their farms.

As an example from our personal situation, my brother and I farm another parcel consisting of approximately sixty acres on the north bank of Mariposa Creek along Jordan Road east of Fresno Road. This lies just across Mariposa Creek from the land I described above. We have made a substantial investment in drip irrigation on the Jordan Road parcel. Jordan Road is a dead end road. The only access is from Fresno road to the west. The Bypass will sever Fresno Road making it impossible for us to access the Jordan Road property from our other property as we do now. The Draft EIR/ EIS is not clear as to how and where access will be created for Jordan Road. It is not inconceivable that we will have to make a twenty mile trip to reach a field that lies literally across the creek from the rest of our property. This means that, unless we elect to abandon our investment in the drip system, we will most likely have to buy or lease additional equipment to keep on site at a field that lies no more than a mile and one half as the crow flies from our main equipment yard. It seems unlikely we can justify this cost for one hundred acres.

In comparison to the BNSF Alternative, the UPRR/SR 99 Alternative will have fewer road closures than the BNSF or Hybrid Alternatives because of its extensive elevation adjacent to the UPRR and SR 99. SR 99 has already absorbed the impacts of severing land and creating elevated crossings. Therefore, the impact on severance of farmlands would be lessened and there would be minimal new road closure issues with the UPRR/SR 99 Alternative as opposed to the BNSF Alternative. The access problems caused by the HST would also be limited because the neighboring landowners have already made adjustments to the SR 99. The significant number of road closures and elevated crossing problems created by the BNSF Alternative in excess of the amounts created by the other alternatives clearly demonstrates that the BNSF Alternative is an inferior alternative that should not be selected as the Preferred Alternative.

654-6

3. **Ancillary Impacts on Agricultural Practices Cause Increased Costs.** The Draft EIR/EIS does not consider the impact of the Project on farming operations adjacent to the right of way. Regardless of whether they are truly necessary, the Authority will most likely impose restrictions on spraying, dusting and farm traffic for the land that borders the right of way. There is no description of how much land will be subject to these restrictions, nor are the restrictions described. This could effectively remove another large block of land from production. As a example, the combined impact of a) construction of the right of way, b) severance of pipelines and private roads, c) permanent land locking of some fields, d) construction of the overpass, and d) use restrictions adjacent to the right of way will (depending on the mitigation measures employed by the Authority) essentially destroy a minimum of one hundred acres, and as many as two hundred eighty or more acres, of prime farm land on our farm alone to support approximately two miles of track.

654-7

4. **Destruction of Historical Sites.** [REDACTED]

Submission 654 (Michael Marchini, Santa Fe Farms, October 7, 2011) - Continued

654-7

654-8

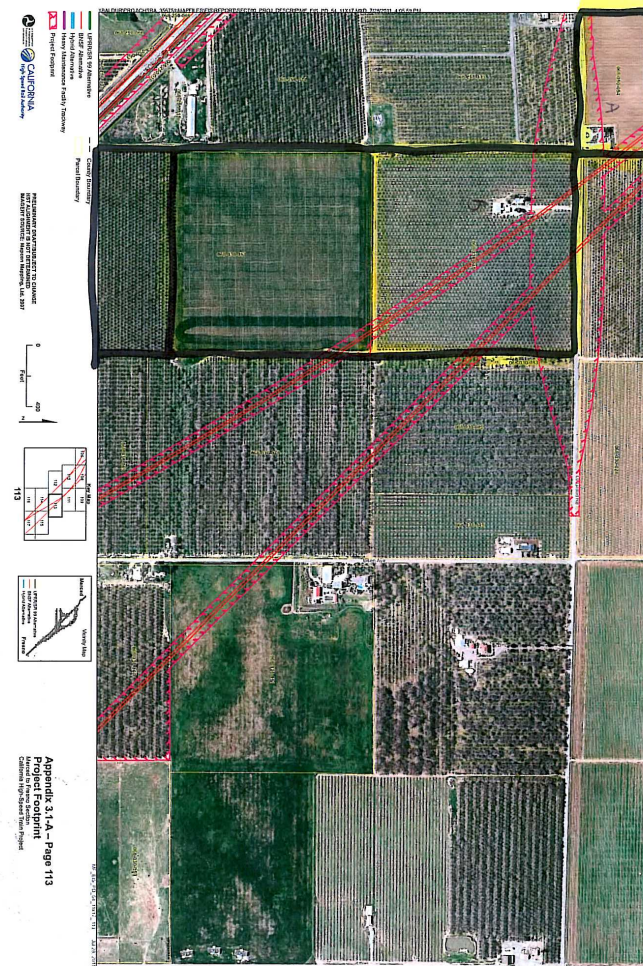
5. Water and plant life. The Le Grand Bypass would pass through Mariposa Creek, destroying wetlands and wildlife resources.

In conclusion, the BNSF Alternative will destroy native historical sites, destroy wetlands, severely disrupt the existing county road system and take hundreds of acres of prime farmland out of production. It will shut down farming businesses that have operated in the area for two generations. It will cost farming jobs and tax revenues. No public work, no matter how theoretically beneficial it might be, can justify such devastation of existing human, biological and economic resources.

Thank you for your consideration of these points.

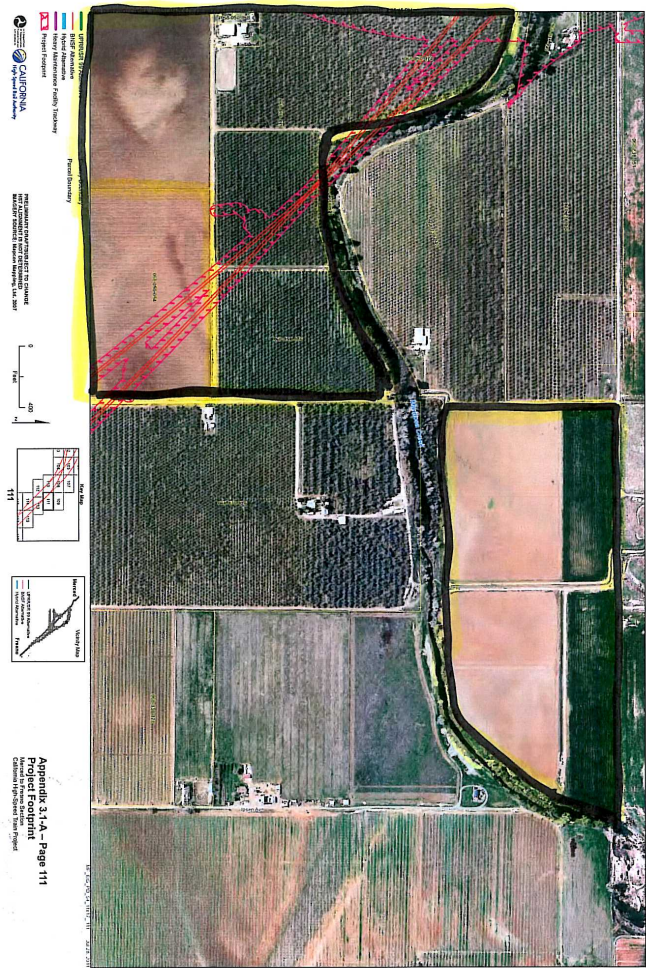
Very truly yours,

[Redacted Signature]



A - Home of Domingo Marchini
B - Home of Michael Marchini
Parcels Outlined in Black
Farmed by Santa Fe Farms

Submission 654 (Michael Marchini, Santa Fe Farms, October 7, 2011) - Continued



Properties Outlined in Book Formed by Santa Fe Farms

Response to Submission 654 (Michael Marchini, Santa Fe Farms, October 7, 2011)

654-1

See MF-Response-GENERAL-14.

654-2

See MF-Response-GENERAL-10.

654-3

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3 and MF-Response-AGRICULTURE-4.

654-4

See MF-Response-SOCIAL-3 and MF-Response-SOCIAL-8.

654-5

See MF-Response-TRAFFIC-2.

654-6

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-5, and MF-Response-GENERAL-4.
See also the response to comment #799 noting that the HST will not restrict land uses outside of its right-of-way.

654-7

See MF-Response-CULTURAL-3.

654-8

See MF-Response-BIO-1 and MF-Response-BIO-3.

Submission 641 (James and Mary Shasky, Shasky Farms, October 12, 2011)



10-12-11A11:26 RCVD

Merced to Fresno HST Environmental Review
770 L Street, Ste. 800
Sacramento, CA 95814

To Whom It May Concern:

641-1 This letter is intended to register our objection to not only the High Speed Rail Project, but also especially the BNSF Alternate Route on Mariposa Way. Our family has been farming in the San Joaquin Valley since 1940. We farm almonds, walnuts and a variety of stone fruits. We feel that any route through farmland is objectionable. As your EIR/EIS states that the central San Joaquin Valley is the most productive farming area in the world and to destroy any of it is objectionable. Our family livelihood on the BNSF Alternate Route Mariposa Way would be totally destroyed if this route were chosen through APN#067-060-036, 067-060-046, 067-060-050 & 067-060-037

641-2 **3.14 – Agricultural Lands**

This route specifically runs through three houses and our shop/business center directly besides destroying our Direct Marketing Farmers' Market/Specialty Fruit Orchard. The EIR/EIS document does not reduce nor mitigate this fact. This document does not mitigate the requirements under the The Farmland Protection Policy Act (FPPA) of 1981. Stated in Section 3.14.1, "These mitigation strategies and design practices include avoiding farmland when selecting the HST alignment, situating the alignment adjacent to existing railway right-of-way or USGS section lines that divide properties, and securing conservation easements to mitigate impacts." As confirmed in Section 3.14.5.1, the BNSF Alternate Route Mariposa Way would require crossing and potentially severing more farmlands than would the other HST alternatives because it traverses large areas that do not parallel transportation corridors.

641-3 In Section 3.14.5.3 – Project Impacts, we are receiving differing information and opinions that the HST alternatives would not cause adverse wind effects on adjacent agricultural land nor would they interfere with aerial spraying of crops. We have been told by the Merced County Ag Commissioner that spray permits will not be issued for several hundred feet of land adjacent to the Speed Rail corridor. We have also been told that it could affect our financing.

641-4 The BNSF Alternate Route Mariposa Way will have on a negative effect on our pipelines, well, and booster pump system besides destroying three homes and our shop/business center.

11492 E. Savana Rd. ~ Le Grand, CA 95333
Ph: 209-389-0430 ~ Fax: 209-389-0606
www.shaskyfarms.com

641-5 **3.12 – Socioeconomics, Communities & Environmental Justice**

This document has not mitigated the damages done to the satisfaction of EO12898, according to the DOT Order as defined in this document. Our business serves predominantly minority population/or low-income population, which would suffer under the loss of services we provide. The communities we serve with our Direct Marketing of fruits and nuts are all "communities of concern" as documented in Section 3.12. As stated previously, the BNSF Alternate Route Mariposa Way is proposed to go directly through not only our homes, but our Business Center where we grow, pick, clean, package and distribute our agricultural products. We produce fresh fruit and nuts to service five Farmers' Markets in Merced County and two Farmers' Markets in Madera County, one Farmers' Market in Mariposa County and one Farmers' Market in Fresno County. We also provide fresh fruit to all of the Intermediate Schools in the Merced City School District. As noted in the Merced Sun-Star, October 5th Edition, we are the first farm to participate in the Farm-To-School Program. This is a state and national effort to improve student nutrition, serve healthy meals in school cafeterias, while supporting local farms. We also supply UC Merced's Dining Commons and on-campus Summit Marketplace with fresh fruit and nuts. We donate fresh fruit to several Manna Houses in Madera and Mariposa Counties and the Merced Rescue Mission. We produce approximately 150 different varieties of fresh fruit directly in the pathway of the BNSF Alternate Route Mariposa Way. These varieties mature starting in May through the end of October. Some of these are heirloom and specialty varieties, which are irreplaceable. We are a test plot for these genetics. This orchard has taken several generations to perfect.

As substantiated above, your statement that the BNSF Alternate Route Mariposa Way would have fewer impacts on communities of concerns lacks substantial evidence concerning the total scope of effects on the communities of concern, which we service with our business. As noted on Page 3.12-15, we agree with your statement that the BNSF Alternate Route Mariposa Way would have the greatest impact in Merced County, not only for your reasons stated, but also those above.

641-6 On Page 3.12-53, you stated, "the land that would be required is linear slivers of land located along the edges of the farms; therefore, the impact would be negligible." This is not true in our case. You are destroying three family homes and our business, which would end three full time jobs and approximately 30 seasonal jobs, while decimating our family structure, which has been built on close support and nurturing for five generations. This is the reason we continue to adhere whole-heartedly to the business we have grown.

641-7 As noted on page 3.12-58, "Preliminary research indicates that available replacement properties currently exist in Merced and Madera counties and the nearby cities of Merced, Chowchilla, and Madera, **but not in Le Grand.**" We feel this is the same case with the business as described above and that to accomplish SO-MM#6 would be impossible and devastating for our family and business and a hardship on the "communities of concern."

641-8 Furthermore, the only route that should be considered as viable would be adjacent to the existing railroad route or along major traffic corridors, **NOT** across prime farmland that is irreplaceable.

Sincerely,

James F. & Mary P. Shasky
Shasky Farms

11492 E. Savana Rd. ~ Le Grand, CA 95333
Ph: 209-389-0430 ~ Fax: 209-389-0606
www.shaskyfarms.com

Slinky Farms

Submission 641 (James and Mary Shasky, Shasky Farms, October 12, 2011) - Continued

What is "sustainable" agriculture?
Basically, it is an integrated system of plant and animal production practices having a site-specific application that will satisfy human food and fiber needs; enhance environmental quality; make most-efficient use of all available resources; sustain economic viability of farm operations; and enhance the quality of life for farmers and society as a whole.

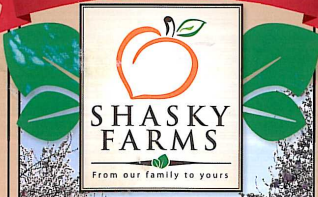


What is a certified farmers' market, and why should I buy from a certified producer?
We are a certified farmer (or producer), which means we have registered our products with the County Agriculture Commissioner. This insures that we are growing the products that we are selling. We are able to tell you information about what you are eating such as where it was grown, what variety it is, and the sustainable agricultural practices used in its production. A certified farmers' market only admits growers who have current certificates so you can be sure that your produce is local and fresh.

Do you spray?
We live near, and eat from, the same trees from which we sell to you. We do spray, and embrace performance-based metrics: The best outcomes will come only when the best practices are adopted. This land has sustained five generations of our family. We are careful to treat it gently and care for it like a member of the family.

How can I find out more about your farm and the products that you sell?
Visit our website: www.ShaskyFarms.com where you can purchase flavored and candied nuts, almonds, walnuts, red walnuts, and dried fruit along with a variety of gift packages that can be picked up at a local farmers' market or shipped to your home. There is more information about the fruit and nuts that we grow. If you can't find an answer to your question there, you will find our contact information on the site, and here below.

Shasky Farms
11492 East Savana Road,
Le Grand, CA 95333
Phone: (209) 389-0430
Fax: (209) 389-0606
email: info@shaskyfarms.com
www.ShaskyFarms.com

Fresh from the Farm

Pioneers in LISA
Low-input Sustainable Agriculture







Farmers' Markets

For an up-to-date list of days and locations visit our website: www.ShaskyFarms.com

Merced Certified Farmers' Market* Wed. 7AM - NOON
The Promenade Yosemite Ave. and Paulson

Mariposa Certified Farmers' Market* Wed. 5-6:30PM
6th Street and County Park

Bass Lake Certified Farmers' Market* Wed. 4:30-7PM
Pines Village, in front of Good Ol' Daze

Madera Certified Farmers' Market*
Courthouse Park, Thurs. 4:30-6PM

Old Town Clovis Certified Farmers' Market*
Old Town Clovis, Fri. 5-9PM

Merced Original County Certified Farmers' Market**
N and 19th Street, Sat. 9AM - NOON

Los Banos Certified Farmers' Market* Sat. 7:30-11:30AM
Henry Miller Plaza on 6th and H Street

Shasky Farms products available:
*May-October **Year 'Round

Shasky Farms produce is also available at:
Marchini Vegetable/Fruit Stand, Le Grand Road 1 mile east of Hwy. 99, open Mon-Sat 8am-6pm

"These are the flavors I remember from my childhood, like my grandparents used to grow."

Shasky Farms' Fruit & Nut Availability

Peaches - Yellow & White May-October Apriums* May-June Nectarines - Yellow & White May-October Plums May-October Cherries May-June	Pluots* May-October Apricots May-June Almonds - Raw & Candied Year 'Round Walnuts - Red, Raw & Candied Year 'Round Citrus Year 'Round
--	---

Visit www.ShaskyFarms.com to order dried fruits and gift baskets!










Response to Submission 641 (James and Mary Shasky, Shasky Farms, October 12, 2011)

641-1

See MF-Response-GENERAL-10 and MF-Response-GENERAL-14.

641-2

See, MF-Response-GENERAL-4, MF-Response-AGRICULTURE-4, and MF-Response-AGRICULTURE-8.

641-3

See MF-Response-AGRICULTURE-5. Note that the Merced County Agricultural Commissioner commented on the Draft EIR/EIS (Submission 729), but their comment letter did not mention pesticide application restrictions. As discussed in MF-Response-SOCIAL-2, the potential for impacts to property values on agricultural lands, which would affect their financing ability, is low.

641-4

See MF-Response-AGRICULTURE-4.

641-5

See MF-Response-SOCIAL-3, MF-Response-SOCIAL-7, MF-Response-GENERAL-4, MF-Response-GENERAL-8, and MF-Response-GENERAL-19.

641-6

See MF-Response-SOCIAL-1 and MF-Response-AGRICULTURE-4.

641-7

See MF-Response-GENERAL-8, MF-Response-SOCIAL-1 and MF-Response-GENERAL-5.

Mitigation measure SO-MM#6 has been refined in the Final EIR/EIS to enhance its feasibility.

641-8

See MF-Response-GENERAL-2.

Submission 673 (Gary Lasky, Sierra Club Tehipite Chapter, October 13, 2011)

Draft 2012 Business Plan - RECORD #673 DETAIL

Status : Follow-up (changes in final)
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Environmental
Submission Date : 10/13/2011
Submission Method : Website
First Name : Gary
Last Name : Lasky
Professional Title : Vice Chair
Business/Organization : Sierra Club Tehipite Chapter
Address : 4677 N. Safford Ave
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93704
Telephone : 559-790-3495
Email : data.nations@gmail.com
Cell Phone :
Add to Mailing List : Yes

**Stakeholder
Comments/Issues :**

My name is Gary Lasky. I reside at 4677 N. Safford Ave., Fresno, California 93704.

My comments represent over 2,000 members of Tehipite Chapter of the Sierra Club. I presently serve as Vice Chair of the chapter. My comments also represent Sierra Club California, representing all Sierra Club members in the state. I presently serve as a delegate to the California-Nevada Regional Conservation Committee of Sierra Club California.

I wish to address two issues that involve both the Merced-Fresno segment and the Fresno-Bakersfield segment of the High-Speed Rail EIR/EIS.

First, there has been insufficient time for the public to evaluate these EIR/EIS documents. In 1995, the Programmatic EIR/EIS gave six months for public comment. We are requesting the same timeline for public review of these two documents.

Second, and related, is uncertainty involving the environmental impacts of the project. There has simply not been sufficient time for the public (and our experts) to evaluate this huge project which will be the largest public works project in the history of California. The purpose of the EIR and EIS processes is for project decision makers to be provided with adequate information to make an informed decision and to choose wisely from among the project alternatives, as well as for the public to review these decisions. The fast-tracking of this huge project prevents the oversight of the project by the public, as demanded by the National Environmental Policy Act and the California Environmental Quality Act.

I submit by reference the public testimony that I delivered to the California High-Speed Rail Commission at its public hearing in Fresno on September 20, 2011.

I quote my comments here, in part:

"If we can reduce our impacts on the air-quality problem of the San Joaquin Valley, we would be delighted . . . but there could be growth-inducing impacts with people wanting to move into the San Joaquin Valley and build housing here because they could effectively commute to other cities. We welcome that growth, but we don't welcome the impacts on air quality and local traffic. We need to know more."

Sincerely,

Gary Lasky

673-1

673-2

673-3

Response to Submission 673 (Gary Lasky, Sierra Club Tehipite Chapter, October 13, 2011)

673-1

See MF-Response-GENERAL-7.

673-2

See MF-Response-GENERAL-1.

673-3

See MF-Response-GENERAL-3.

Submission 360 (Jessica Zenk, Silicon Valley Leadership Group, September 26, 2011)

Merced - Fresno - RECORD #360 DETAIL

Status : Action Pending
Record Date : 9/26/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 9/26/2011
Submission Method : Website
First Name : Jessica
Last Name : Zenk
Professional Title : Transportation Director
Business/Organization : Silicon Valley Leadership Group
Address :
Apt./Suite No. :
City : San Jose
State : CA
Zip Code : 95110
Telephone : 408.501.7864
Email : jzenk@svlg.org
Cell Phone :
Email Subscription :
Add to Mailing List : No

**Stakeholder
Comments/Issues :**

I write on behalf of the Silicon Valley Leadership Group to express our support for the Central Valley portion of the California High-Speed Rail Project (HSR) and specifically to comment on the draft Environmental Impact Reports released for the Central Valley Segments.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 345 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley.

360-1

The HSR project is essential to the economic development of California. We believe the entire State of California will benefit greatly from the HSR project. As many as 100,000 construction related jobs will be created each year that the system is being built. This will have a direct positive benefit to the residents of the State, particularly within our beleaguered construction industry.

The HSR project will better connect the Central Valley to the rest of California. The Silicon Valley Leadership Group is very excited at the prospect of an effective link between the Northern, Central and the Southern parts of the State.

360-2

California is projected to grow by 4.3 million people over the next 10 years. Transportation infrastructure must be present to meet the emerging demand. As shown in the draft Environmental Impact Reports for the Central Valley, the HSR project will offset a tremendous amount of vehicle pollution that would otherwise be present. HSR replaces the need to build expensive capital projects like 3,000 miles of new freeway, 5 airport runways, and 90 airport departure gates at a cost of over \$100 billion.

HSR will reduce the need for auto travel and thus fuel consumption, air pollution, and traffic congestion, and lead to better travel times. HSR will provide a viable alternative to air travel and reduce some of the need for more short distance, highly polluting air service. The United States lags behind other industrialized nations in the field of HSR. Our future economy and health depend on new 21st century technology and infrastructure.

The Leadership Group is pleased to see the HSR project is on track to meet the 2012 deadline set by the Federal Government. We look forward to the completion of the first set of tracks in the Central Valley.

EIR/EIS Comment :

We want to thank you for your leadership on this important project.
Yes

Response to Submission 360 (Jessica Zenk, Silicon Valley Leadership Group, September 26, 2011)

360-1

See MF-Response-GENERAL-19.

360-2

See MF-Response-GENERAL-9.

Submission 450 (Mary Mitchell, Siroonian Properties, Ltd., Inc., October 5, 2011)

Merced - Fresno - RECORD #450 DETAIL

Status : Action Pending
Record Date : 10/5/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/5/2011
Submission Method : Project Email
First Name : Mary
Last Name : Mitchell
Professional Title : Property Manager
Business/Organization : Siroonian Properties, Ltd., Inc.
Address : 2750 N. Parkway Drive
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93722
Telephone : 559-276-1111
Email : siroonian@jhscorp.net
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

450-1

Stakeholder
Comments/Issues :

To Whom It May Concern,

We would like to submit our comments and ask that you do your best to have the Project Footprint bypass our APN locations below.

The 2680 and 2690 N. Marks Ave. has 2 buildings that includes several tenant offices that are currently occupied by small businesses.

The 2750 N. Parkway Drive office currently has 3 businesses as occupants.

APN 442-04-021 : 2750 N. Parkway Drive

APN 442-04-022 : 2680 and 2690 N. Marks Ave.

We thank you in advance for your consideration.

Mary Mitchell
Property Manager

Siroonian Properties, Ltd., Inc.
2750 N. Parkway Drive
Fresno, CA 93722
Office: 559-276-1111
Fax: 559-275-3587
E-Mail: siroonian@jhscorp.net
Website: www.siroonianproperties.moonfruit.com

EIR/EIS Comment : Yes

Response to Submission 450 (Mary Mitchell, Siroonian Properties, Ltd., Inc., October 5, 2011)

450-1

See MF-Response-SOCIAL-1 and MF-Responses-SOCIAL-3.

Submission 656 (Michele Stehly, Stehly Ranch, October 12, 2011)



Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) – **Audiencias Públicas**
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

* **Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on **September
28, 2011 will not be addressed in the Final EIR/EIS.**

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
reciben después de 5:00 p.m. a **28 de septiembre
no se responderá en el EIR/EIS final.**

Name/
Nombre: Michele Stehly

Organization/
Organización: Stehly Ranch

(Optional/Opcional)
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City, State, Zip code/
Ciudad, estado, código postal: 717 Chowchilla CA 93610

Phone Number/
Número de teléfono: 559-710-7055

Email address/
Correo electrónico: m.stehly@hotmail.com

Thank you, for the opportunity to respond to the proposed California High Speed
rail (HSR).

My name is Michele Stehly and I live at 21702 Ave 28, Chowchilla Ca.
My husband and I have three children and would like to know how the HSR has
coordinated with our school transportation system?

We are all aware of the budget crisis in California and there is no argument that our
public schools are being forced to cut costs like no other time in recent history. If
the HSR proceeds on alternate route A1, (instead of following the A2 Hwy 99
corridor) there will be a loss of county road access. This lack of accessibility in rural
areas will lead to higher costs in transportation for the public schools. The HSR will
be a burden to school transportation by adding costs in fuel, maintenance of vehicles
and payroll to drivers, meaning less money will be spent teaching students!

This leads to the obvious next question, which is, has the HSR studied the impact
on response times for First Responders and emergency services? My home was
built in 1914, and I feel as though the HSR is building the Berlin wall in front of my
old farmhouse. The thought of having to drive to an opening in the wall is scary and
grimacing. Living in rural areas we accept the fact that Fire and Emergency services
take a couple minutes longer than it would if we lived in town. So for a Fire truck or
EMT to travel a few EXTRA miles out of their way to reach our home in an
emergency could mean the difference between life and death. How have these
critical problems with transportation been solved?

My concern is that the HSR will add obstruction that will only negatively impact
the rural community, making tax payer funded services overburdened and
ineffective. How has the HSR addressed this? We have budget problems with our
education system in California, and counties all over our state have threatened to lay
off fire fighters, and yet, we are considering crippling the budgets of all public
services even further. How will the HSR compensate public schools without
increasing taxes so our children's education does not suffer? Will the construction
of the HSR lead to Fire Fighters being layed off in Madera County if the A1 route is
chosen? Before the HSR is built, and the route is chosen, I am trying to understand
where money is going to come from, to insure that my children's education, and the
safety of my family is not jeopardized.

Thank you again for your time and consideration on these matters. I am greatly
interested in your response.

Michele Stehly



Response to Submission 656 (Michele Stehly, Stehly Ranch, October 12, 2011)

656-1

See MF-Response-GENERAL-8, MF-Response-S&S-1, and MF-Response-SOCIAL-5.
In addition, refer to Appendix F, School Districts, in the Community Impact Assessment for information on school transportation.

656-2

See MF-Response-S&S-3.

656-3

See MF-Response-GENERAL-18.

Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced,
September 14, 2011)

169-1

Students at UC Merced

I support High Speed Rail: Keep Merced in Phase One!

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169-1

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Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced,
September 14, 2011) - Continued

169-1

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Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced,
September 14, 2011) - Continued

169-1

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Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced,
September 14, 2011) - Continued

169-1

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Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced,
September 14, 2011) - Continued

169-1

I support High Speed Rail: Keep Merced in Phase One!

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Response to Submission 169 (Students at UC Merced Students at UC Merced, Students at UC Merced, September 14, 2011)

169-1

See MF-Response-GENERAL-9.

Submission 860 (Richard Swanson, Swanson Farms, October 13, 2011)

SWANSON FARMS

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P. O. BOX 2367 • 5213 WEST MAIN • TURLOCK, CA 95381-2367 • PH. (209) 667-2002 • FAX (209) 667-1624

October 13, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, Ca 95814

Re: Merced to Fresno Environmental Impact Report/Statement (EIR/EIS)

Dear Sir or Madam:

860-1

I am writing this comment to the above referenced EIR/EIS because I am a concerned owner of a number of organic poultry production facilities. One of the alternative routes for High Speed Rail passes close to one of our facilities in Merced County on Mariposa Way. If the high speed rail is constructed at that location the operation will be forced to shut down with a loss of jobs and revenue to state local and federal governments as well as impacting other industries such as poultry equipment suppliers, feed and ancillary services.

Noise, dust and light are not conducive to many agricultural operations and specifically have a significant negative impact on poultry operations. In my opinion the EIR/EIS does not adequately address the significant impact on agriculture for the Mariposa Way design option. The Mariposa Way facility is only one of many agricultural operations which will be negatively impacted if the project does not remain on existing rail corridors.

860-2

In review of the alternative routes identified in the draft EIR, the least environmental damaging project alternative other than no project, would be to construct the project along the existing rail corridors or the UPRR/SR99 alternative.

Sincerely,

Richard Swanson
Swanson Farms

Response to Submission 860 (Richard Swanson, Swanson Farms, October 13, 2011)

860-1

See MF-Response-AGRICULTURE-6 and MF-Response-GENERAL-4.

860-2

See MF-Response-GENERAL-10.

Submission 701 (Edward O'Neill, T-Mobile USA, Inc.(Attny for), Davis Wright Tremaine
LLP, October 13, 2011)



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October 13, 2011
Page 2

October 13, 2011

VIA EMAIL AND US MAIL

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR/EIS Comment - Merced to Fresno Project Section

701-1

This letter provides comments on behalf of T-Mobile USA, Inc. ("T-Mobile") on the September 8, 2011 project-level Draft Environmental Impact Report / Environmental Impact Statement ("DEIR/EIS") for the proposed California High-Speed Rail Project, Merced to Fresno Section ("the Project"). T-Mobile only recently became aware that all of the route alternatives currently under consideration for the Merced to Fresno Section of the Project would have very severe adverse effects on facilities that are essential for the telecommunications services T-Mobile provides in Fresno and throughout the surrounding area. The proposed routes could potentially have very significant adverse effects on all of the telecommunications services T-Mobile provides to the public in this large and important part of California. It may also have potentially significant additional adverse effects on the environment due to additional construction that would be required if T-Mobile is forced to relocate its facilities. Neither the potentially significant adverse effects on T-Mobile's facilities and telecommunications services nor the environmental impacts that may result if T-Mobile must relocate its affected facilities have been adequately addressed in the DEIR/EIS. As a result, the DEIR/EIS is legally inadequate under CEQA and must be revised to address these potential additional impacts and feasible alternatives and mitigation measures that may avoid or reduce them.

T-Mobile

T-Mobile USA, Inc. is a national provider of wireless voice, messaging, and data services and currently provides such services to over 33 million customers in the United States, including a very large number of customers in California. T-Mobile provides such services through a network of telecommunications facilities, including cell towers, switching offices and fiber optic cable circuits that interconnect its facilities and customers with those of other telecommunications service providers. Among the most important components of its wireless network are its regional switching offices. These offices serve as the central location for core telecommunications equipment that controls the T-Mobile network in each regional area.

Anchorage
Bellevue
Los Angeles

New York
Portland
San Francisco

Seattle
Shanghai
Washington, D.C.

www.dwt.com

701-1

Switching offices house the equipment necessary for routing calls, messages and other data from one system user within the regional area to others within or outside the region.

Potential Impact on T-Mobile's Fresno Switching Office

T-Mobile owns and operates a nationwide wireless telecommunications network. T-Mobile's regional switching office, located at 5525 N. Golden State Avenue, serves as the central location for all of the core telecommunications equipment that controls T-Mobile's network in the Fresno area and surrounding rural areas from Chowchilla to Visalia. Essentially, it is the heart of T-Mobile's regional wireless network. This switching office provides essential communication services for an area of approximately 13,270 square miles, including 288 cell sites. It handles approximately 6 million voice calls and 33 million data sessions per day. It also provides essential E911 emergency services. In Fresno alone, it handled over 71,000 E911 calls last year. Approximately 2000 different circuits interconnect this facility with hundreds of T-Mobile cell sites, other T-Mobile switching facilities and the network facilities of other telecommunications carriers throughout the State.

According to the route maps included in the DEIR/EIS, all of the Project route alignments currently under consideration would run directly through T-Mobile's Fresno switching office. This appears to be indicated by the red lines demarcating "the project footprint" at DEIR/EIS, Appendix 3.1-A, Page 077. According to this map, all three routes currently under consideration, the UPRR/SR 99 Alternative, BNSF Alternative, and Hybrid Alternative, would be located within the very same "project footprint" in this area and the project footprint would bisect the building at parcel number 508-02-023 in which T-Mobile's Fresno switching office is located.

If the Project footprint is accurately depicted by this map, then all of the routes under current consideration would result in the loss of land and a large portion of if not the entire existing building housing T-Mobile's existing Fresno switching office and would require T-Mobile to relocate its existing Fresno switching office and related facilities.

Potential Adverse Impacts on Telecommunications Services

Relocating a regional telecommunications switching office of this type would be exceptionally complicated, difficult, time consuming and expensive and could potentially disrupt T-Mobile's existing telecommunications services to the public, including E911 emergency services, to a completely unacceptable extent.

Relocating a telecommunications switching office, such as T-Mobile's Fresno switching office, is a much more difficult and complex undertaking than the relocation of a typical business. The Fresno switching office is the very heart of T-Mobile's regional wireless network

Submission 701 (Edward O'Neill, T-Mobile USA, Inc.(Attny for), Davis Wright Tremaine
LLP, October 13, 2011) - Continued

October 13, 2011
Page 3

701-1

that provides wireless voice, data and E911 service to Fresno and its vicinity. Relocating this facility would not only require constructing a duplicate switching office at a suitable alternative location, but also constructing the numerous fiber optic cables and circuits necessary to interconnect the switching facilities at the new location with all of T-Mobile's cell sites, other T-Mobile switching facilities and networks of other telecommunications carriers with which the existing office is interconnected.

All of this construction would have to be completed and the new equipment and facilities fully tested before any of the facilities at the existing switching office are impacted, or there would be severe adverse effects on T-Mobile's services to the public, including potentially unacceptable degradations to or interruptions in such service.

Finding a suitable alternative location for a replacement switching office may also be difficult and time consuming. Special characteristics required for a telecommunications switching office limit the availability and suitability of alternative sites. These requirements include: space, electric power, flood, seismic, and structural requirements, as well as reasonably close proximity to existing vendor fiber optic cable routes. Electric power, for example, may pose particular challenges in relocating a switching office because the electric power demand of such facilities is not only high, but the power supply must be particularly "clean." Locating sites with such clean power tends to be difficult in more rural areas such as Fresno.

As a result of these requirements, relocating the Fresno switching office would likely require significant lead time and cost 10s of millions of dollars. If the necessary lead time is not available, T-Mobile's services to the public could be severely impacted and service degraded or disrupted to an unacceptable extent.

Potentially Significant Impacts of Additional Construction

It is highly unlikely that a suitable alternative location could be found that would provide the necessary physical facilities and connectivity without requiring significant additional construction to duplicate and replace the existing high capacity fiber optic cables that currently interconnect T-Mobile's existing switching center to T-Mobile's cell sites, other T-Mobile switching offices in California and other telecommunications carrier networks in California. As a result, relocating the Fresno switching office would create a "ripple effect", requiring significant additional construction to replace existing interconnection facilities in numerous locations throughout the Fresno area. Many miles of additional construction could be required which, depending upon the location of the relocated switching office and new interconnection facilities could have potentially significant adverse impacts on the environment.

October 13, 2011
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701-1

Deficiencies in DEIR/EIS

CEQA has two important and complimentary purposes. The first is to inform decisionmakers and the public about the potentially significant environmental effects of proposed projects.¹ In order to do so, the discussion of the potential impacts of proposed projects in an EIR must be thorough and complete and must contain facts and analysis that "reflect a good faith effort at full disclosure"² and not just an agency's conclusions.³ In addition, CEQA requires that EIRs disclose all potentially significant indirect as well as direct environmental impacts of proposed projects,⁴ including reasonably foreseeable future construction that may be required if the proposed project is approved.⁵ The second purpose is to require public agencies to avoid or reduce potentially significant adverse environmental impacts when reasonably feasible.⁶ CEQA does so by requiring consideration of alternatives and mitigation measures that may avoid or reduce potentially significant environmental impacts and also by imposing an affirmative obligation on public agencies to adopt such measures where reasonably feasible.⁷ The alternatives and mitigation measures that must be considered include alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if the alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.⁸

The relocation of T-Mobile's Fresno switching center would be a direct and foreseeable result of the proposed Project and would have potentially significant adverse indirect effects on telecommunications services, including essential E911 emergency services. As a result, under CEQA Guideline section 15064(d) and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, the potentially significant adverse effects of such relocation on public utility services must be considered in the DEIR/DEIS.

The DEIR/EIS fails to adequately discuss or consider these effects. Section 3.6 of the DEIR/EIS discusses potential impacts on public utility facilities and services but fails to even

¹ 14 Cal. Code Regs. ("CEQA Guidelines") § 15002, subd. (a)(1); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

² CEQA Guidelines § 15151.

³ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

⁴ Pub. Res. Code § 21100, subd. (b)(1); CEQA Guidelines § 15126.2, subd. (a).

⁵ *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 393-399.

⁶ CEQA Guidelines § 15002, subd. (a)(2)-(3); and see *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; and *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.

⁷ Pub. Res. Code § 21002-21002.1.

⁸ CEQA Guidelines § 15126.6 subd. (b); and see *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213.

Submission 701 (Edward O'Neill, T-Mobile USA, Inc.(Attny for), Davis Wright Tremaine
LLP, October 13, 2011) - Continued

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mention, much less discuss, T-Mobile's facilities or its Fresno switching office.⁹ At 3.6-30, the DEIR/EIS acknowledges that there are many utility facilities within the study area for the Project and concedes that "the Project would not be compatible with most of these existing utilities."¹⁰ but claims that the effect of the Project on utility service providers and their customers "would be negligible under NEPA and the impact would be less than significant under CEQA."¹¹ The basis for this conclusion is the commitment of the California High-Speed Rail Authority to, "work with utility owners during final engineering design and construction of the Project to relocate utilities or protect them in place" and to "coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services."¹² This discussion does not appear, however, to pertain to T-Mobile or its facilities since the DEIR/EIS makes no mention of T-Mobile. It is correct that the Project would not be compatible with T-Mobile's facilities, but incorrect to the extent that it may imply that working with T-Mobile "during final engineering design and construction of the project" to "coordinate schedules for utility relocations and protection-in-place with the utility owner" will be sufficient to ensure that the Project impacts on T-Mobile and its facilities would be "negligible under NEPA and the impact would be less than significant under CEQA."¹³ Such measures would not be sufficient to ensure that there are no significant adverse effects on T-Mobile's facilities or services to the public, or to ensure that the impacts of the Project would be less than significant.

There are several reasons for this. Most importantly, if the Project were to require the relocation of T-Mobile's Fresno switching office, T-Mobile estimates that this could easily require 18 to 36 months.¹⁴ Coordinating with T-Mobile only "during the final engineering

⁹ See DEIR/EIS at 3.6-11, which briefly mentions "aboveground and belowground" telecommunications facilities of AT&T, Sprint and Quest "generally within the UPRR and SR 99 rights-of-way between the cities of Merced and Fresno," but contains no reference to or discussion of T-Mobile's facilities; and see also Figure 3.6-6 which depicts "High-Risk Utilities in the Fresno Project Vicinity," but fails to identify T-Mobile's facilities.

¹⁰ DEIR/EIS at 3.6-30.

¹¹ DEIR/EIS at 3.6-30. And see also 3.6-30, which states, "[w]here the alignments would conflict with existing electrical substations, there is a potential for a substantial impact under NEPA and a significant impact under CEQA." The DEIR/EIS fails to acknowledge, however, that the conflict between the proposed Project alignment and T-Mobile's Fresno switching office and related telecommunications interconnection facilities is also potentially significant impact under NEPA and CEQA.

¹² DEIR/EIS at 3.6-30.

¹³ DEIR/EIS at 3.6-30.

¹⁴ Relocating an existing switching facility would require the successful completion of numerous different steps many of which by their nature would have to be done in sequential fashion, including: identifying a suitable and available property and building, acquiring legal rights to the property, engineering/design of the new switching office, permitting, environmental review, procurement of duplicative telecommunications switching equipment, building facility remodeling/construction, installation of telecommunications switching equipment and facilities,

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design and construction" of the Project, as the DEIR/EIS suggests, could not possibly provide enough lead time to avoid significant adverse impacts on and potential disruptions to T-Mobile's service to the public, including potentially E911 emergency services. It would be virtually impossible for a replacement switching office to be constructed and brought into service, and the existing facility decommissioned, in time to avoid service disruptions if other measures are not taken to avoid such impacts. As a result, the conclusion in the DEIR/EIS that the impact on utility services will be negligible under NEPA and less than significant under CEQA is simply not true with respect to T-Mobile's facilities and services. The impacts will be significant unless the Project is revised to include additional alternatives and or mitigation measures that will avoid or substantially mitigate the impacts on its Fresno switching office and related facilities.

The DEIR/EIS also fails to adequately consider feasible alternatives, including potential minor adjustments to the proposed Project route or "footprint" that could avoid the necessity of relocating T-Mobile's existing Fresno switching center and related interconnection facilities. At 3.6-30 to 3.6-31, in discussing potential conflicts with existing electrical substations, the DEIR/EIS states, "[w]here possible, portions of the HST alignment would be redesigned to avoid impacts; this would reduce the impact to negligible under NEPA and less than significant under CEQA."¹⁵ The DEIR/EIS fails to consider or make the same commitment, however, to redesign portions of the Project route alignment to avoid impacts on essential telecommunications facilities generally, or T-Mobile's Fresno switching office in particular.

The DEIR/EIS also fails to adequately consider potential measures which may mitigate the adverse impacts on T-Mobile's facilities. At 3.6-46, the DEIR/EIS discusses potential mitigation measures to avoid or reduce conflicts between the proposed Project alignment at two electric substations, including "refinements of project features"¹⁶ in final project design that "would avoid these conflicts."¹⁷ The DEIR/EIS fails to discuss or consider, however, any potential measures to mitigate, avoid or reduce the conflict between the proposed Project alignment and T-Mobile's Fresno switching office.

The DEIR also fails to consider or evaluate the additional construction at numerous locations that would be required to relocate T-Mobile's existing switching office. Such additional construction could have a potentially significant adverse impact on the environment depending upon the availability and locations of suitable alternative sites for relocating the switching office and the routes and locations for the many different new interconnecting facilities that would have to be constructed as a result of the relocation. The DEIR fails to

construction and installation of new fiber optic conduit and cable for necessary interconnections, and testing and commercial cut over of service to the new location.

¹⁵ DEIR/EIS at 3.6-30 to 3.6-31.

¹⁶ DEIR/EIS at 3.6-46.

¹⁷ DEIR/EIS at 3.6-46.

Submission 701 (Edward O'Neill, T-Mobile USA, Inc.(Attny for), Davis Wright Tremaine
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consider alternatives or mitigation measures that could avoid or reduce the environmental impacts of such additional construction, including potential adjustments to the proposed Project route alignment that could avoid the necessity of relocating the existing Fresno switching center.

As a result of these deficiencies, the DEIR/EIS is inadequate to comply with CEQA and must be revised to address these additional issues and potential alternatives and mitigation measures that may avoid or reduce such impacts.

Conclusion

T-Mobile only recently became aware that its Fresno switching office would be impacted by the proposed High-Speed Rail Project. As a result, it has had insufficient time to thoroughly explore potential means for avoiding or mitigating the potentially significant adverse impacts on its facilities and services. T-Mobile believes, however, that there are likely to be feasible alternatives and mitigation measures that could avoid or mitigate such impacts, including minor adjustments to the Project route alignment.

T-Mobile appreciates your consideration of its comments on the DEIR/EIS for the Merced to Fresno Section of the California High-Speed Rail Project and looks forward to working further with California High-Speed Rail Authority staff to explore opportunities to avoid or mitigate the potentially significant adverse effects on its facilities, services and on the environment. Should you require any additional information or have any questions regarding the issues discussed in these comments, please contact Kevin Brinkley, Corporate Counsel at T-Mobile, 1855 Gateway Boulevard, 9th Floor, Concord, CA 94520, (925) 521-3843, or me at the address and number noted above.

Davis Wright Tremaine LLP
For T-Mobile USA, Inc.

/s/ Edward W. O'Neill

Edward W. O'Neill

cc: Kevin Brinkley, T-Mobile

Response to Submission 701 (Edward O'Neill, T-Mobile USA, Inc.(Attny for), Davis Wright Tremaine LLP, October 13, 2011)

701-1

Realignment of Golden State Boulevard in Fresno to accommodate the HST would require the acquisition of several properties, including T-Mobile's switching station on Golden State Boulevard. Refer to MF-Response-SOCIAL-1 for information regarding acquisitions, displacements, and relocations. The Authority plans to meet with T-Mobile to develop a Memoranda of Agreement that would define terms and conditions to resolve utility conflicts, including funding by the Authority to reimburse costs incurred as a result of the HST project. The indoor telecomm equipment and facilities present in the switching station on North Golden State Boulevard are considered a property attribute, and would be addressed in the process of right of way acquisition. A separate environmental review would be conducted for this facility if additional utilities would be required outside of the HST right-of-way to properly connect an alternative switching station site to existing infrastructure and the action is determined to constitute a project under CEQA.

The Authority and FRA would make relocation of regionally-important utility facilities a priority, with the goal of establishing a replacement before the affected facility is taken off line, and would work with T-Mobile to identify a suitable spot for such relocation. As a priority conflict, the Authority would begin consultation with T-Mobile at the earliest time prudent. As a result, there should not be any interruption to the 911 emergency services provided by T-Mobile.

The alternative HST alignments analyzed in the EIR/EIS were identified through an alternatives analysis process, and in consideration of a larger set of alignment alternatives and station location options described in the 2005 Statewide Final Program EIR/EIS. At this stage of design, only a major modification to one of the already identified reasonable alignment alternative would avoid conflicting with the established T-Mobile facility. Please refer to MF-Response-GENERAL-2 for more information on past alternatives analysis. The alternatives studied in detail in the EIR/EIS were determined to represent the reasonable range of alternatives and are likely to have the least environmental consequences overall. Although the potential conflict with T-Mobile's switching facility is unfortunate, the Authority finds these impacts less than significant with implementation of their commitment to work with the utility owner to resolve the conflict.

Submission 379 (Elsie Williams, Tea Party of Madera, September 23, 2011)

Comment Period Extended to
October 13, 2011

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011



Comment Card
Tarjeta de Comentarios

09-23-11P02:01 RCVD

Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) –
Public Hearings
September 2011

Tren de Alta Velocidad Sección Merced a Fresno
Anteproyecto del Informe de Impacto
Medioambiental/Declaración de Impacto
Medioambiental (EIR/EIS) - Audiencias Públicas
Septiembre 2011

Please submit your completed comment card at the
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o
envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
August 15, 2011 and ends September 28, 2011.
Comments received after 5:00 p.m. on September
28, 2011 will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de
agosto y termina a 28 de septiembre. Comentarios
recibidos después de 5:00 p.m. a 28 de septiembre
no se responderá en el EIR/EIS final.

Name/
Nombre: Elsie Williams

Organization/
Organización: Tea Party of Madera

(Optional/Opcional)
Address/Domicilio: 1218 E. Cleveland #196

Phone Number/
Número de teléfono: 559/664-8543

City, State, Zip code/
Ciudad, estado, código postal: Madera, CA 93638

Email address/
Correo electrónico: See Back side

379-1

The High Speed Rail system that the federal and
state government wants to put down through the
heart of the Central San Joaquin Valley is ludicrous
and needs to be stopped. Suppose I rode that
train from Madera to Delano. What public
transportation could I possibly take to get me
to my job 5-miles across town?? Take a
cab, rent a car?? My God, the cost just to
get to my job would be more than my weekly
paycheck. I could drive my own car much cheaper.
This is an insane idea. STOP THE HIGH
SPEED RAIL SYSTEM GOING THROUGH THE CENTRAL
SAN JOAQUIN VALLEY. STOP THE H.S. TRAIN!!

379-1

Moving closer to a job in Delano from
Madera would not be an option, because
of family obligations, a husband who commutes
to Turlock to work at his job. AND,
by the way, what would he have to pay to
get to his job 5-miles away from the H.S.
Rail station, take a cab, public transportation
and be late for work everyday because it's
route does not go to his work place. Ride
a bike 5-miles in a pouring rain??
You people gave no thought at all to
how much you would inconvenience the
general public. All you cared about is
"How much money can I make selling land
to the federal and state governments to put
the H.S. R. on???"

379-2

Better rethink your stupid ideas, fix and
widen Highway 99 (or) put in a
Light Rail System along side the 99-
corridor giving people an option. The
Light Rail System could then go between
cities to cities and not cost a commuter his
weekly pay check. Change modes of transportation
3-times before ever getting to his/her job.
GET SMART — STOP THE H.S. R.
Elsie Williams

Response to Submission 379 (Elsie Williams, Tea Party of Madera, September 23, 2011)

379-1

See MF-Response-GENERAL-14. The HST system is designed to move people long distances from point to point, and is not a commuter rail (and no station is proposed to be located in Delano). As discussed in Chapter 2, its stations will be planned as multi-modal hubs. Accordingly, there will be options available for arriving passengers to travel to destinations beyond the station. As ridership increases and market demand develops, this could include automobile rentals.

379-2

See MF-Response-GENERAL-2.

Submission 406 (Elizabeth O'Donoghue, The Nature Conservancy, September 21, 2011)

Merced - Fresno - RECORD #406 DETAIL

Status : Action Pending
Record Date : 9/21/2011
Response Requested :
Stakeholder Type : Environmental Agency
Submission Date : 9/21/2011
Submission Method : Website
First Name : Elizabeth
Last Name : O'Donoghue
Professional Title : Director of Infrastructure and Land Use
Business/Organization : The Nature Conservancy
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95814
Telephone :
Email : eodonoghue@tnc.org
Cell Phone :
Email Subscription :
Add to Mailing List : No
Stakeholder
Comments/Issues : Dear Chair Umberg and Board Members:

The Nature Conservancy's California Chapter requests an additional extension to the comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Extending the comment deadline to February 2012 would allow six months for thorough review of the documents, a reasonable amount of time for a project with such far reaching implications in the region.

It is estimated that the EIR/EIS for the two sections totals a minimum of 17,000 pages. To adequately analyze this much information, extending the time period is essential to the residents, businesses, farmers and landowners who are based in the Central Valley and will be directly affected. Proper analysis must also be done on the statewide ramifications beyond the Central Valley and environmental mitigation concerns must be evaluated.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We hope you will recognize the importance of extending the review period for comments on the potential impacts of the proposed projects. Thank you for your sincere consideration of our request.

Sincerely,

Elizabeth O'Donoghue
Director of Infrastructure and Land Use

cc: Ken Alex, Senior Advisor and Director, Office of Planning and Research

EIR/EIS Comment :

Yes

406-1

Response to Submission 406 (Elizabeth O'Donoghue, The Nature Conservancy, September 21, 2011)

406-1

See MF-Response-GENERAL-7.

Submission 373 (Elizabeth O'Donoghue, The Nature Conservancy, September 23, 2011)



Sacramento Field Office
555 Capitol Mall, Suite 1290
Sacramento, CA 95814

tel. (916) 449-2850
Fax (916) 442-2377
nature.org

September 21, 2011

Tom Umberg
Chair, Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

09-23-11P02:03 RLYD

RE: Request for Additional Extension of the Draft EIR/EIS Comment Period

Dear Chair Umberg and Board Members:

The Nature Conservancy's California Chapter requests an additional extension to the comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Extending the comment deadline to February 2012 would allow six months for thorough review of the documents, a reasonable amount of time for a project with such far reaching implications in the region.

It is estimated that the EIR/EIS for the two sections totals a minimum of 17,000 pages. To adequately analyze this much information, extending the time period is essential to the residents, businesses, farmers and landowners who are based in the Central Valley and will be directly affected. Proper analysis must also be done on the statewide ramifications beyond the Central Valley and environmental mitigation concerns must be evaluated.

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Sincerely,

Elizabeth O'Donoghue
Director of Infrastructure and Land Use

cc: Ken Alex, Senior Advisor and Director, Office of Planning and Research

373-1

Response to Submission 373 (Elizabeth O'Donoghue, The Nature Conservancy, September 23, 2011)

373-1

See MF-Response-GENERAL-7

Submission 286 (Elizabeth O'Donoghue, The Nature Conservancy, August 24, 2011)



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08-25-11P02:55 RCVD

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AUG 25 2011

August 24, 2011

Tom Umberg
Chair, Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request for Extension of the Draft EIR/EIS Comment Period

Dear Mr. Umberg and Board Members:

The Nature Conservancy's California Chapter strongly supports a 90 day comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Presently the draft states comments on the document must be submitted by September 28, 2011, requiring only a 45 day comment period. Ninety days is standard for major road projects in California and the draft EIR/EIS are large and complex documents.

The proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and the impacts likely to be associated with the proposed project are large and far reaching, including impacts on working farms and the local farm economy, air quality, and transportation. There will be significant impacts on endangered species and wetlands and significant growth-inducing impacts as well.

In order to allow those most affected with a reasonable opportunity to participate, a 90 day review period is required. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are in place to assure governmental decisions that may affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their

286-1

proposed actions. In order to comply with the purpose of CEQA and NEPA and have appropriate expert comment, it is absolutely vital that the comment period be extended.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We hope you will recognize the importance of extending the review period to provide the public 90 days, not 45, to comment on the potential impacts of the proposed projects in the Merced to Fresno and Fresno to Bakersfield sections. Thank you for your sincere consideration of our request.

Sincerely,

Elizabeth O'Donoghue
Director of Infrastructure and Land Use

cc: Governor Jerry Brown
Joseph Szabo, Federal Railroad Administration

286-1

Response to Submission 286 (Elizabeth O'Donoghue, The Nature Conservancy, August 24, 2011)

286-1

See MF-Response-GENERAL-7.

Submission 693 (Elizabeth O'Donoghue, The Nature Conservancy, October 13, 2011)



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October 13, 2011

Dan Leavitt
Deputy Director, Environmental and Planning
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno to Bakersfield and Fresno to Merced Draft EIR/EIS

Dear Mr. Leavitt:

The Nature Conservancy would like to thank the California High-Speed Rail Authority (the Authority) and their staff for their consideration of our comments on the Fresno to Bakersfield and Fresno to Merced Draft Environmental Impact Reports / Environmental Impact Statements (Draft EIR/EIS). The Nature Conservancy (the Conservancy) is a global conservation organization with approximately one million members. Since 1951, the Conservancy has protected over 117 million acres around the world. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In pursuing this mission, the Conservancy relies on a science-based approach both to identify key threats to important natural communities and to develop effective strategies for their conservation. Since its inception, the Conservancy's primary emphasis has been on on-the-ground projects that produce tangible lasting results. In that context, we have a long track record of working with diverse partners to achieve innovative, cost-effective, ecologically sound outcomes in the context of ongoing economic activity.

The Nature Conservancy remains concerned that the alignments identified would impact a substantial amount of habitat and farmland, threaten to induce sprawl in the foothills and does not adequately address wildlife connectivity in the region. Further, we are concerned that the environmental analysis does not address cumulative impacts as other segments (notably the San Jose – Merced and the segments to the north and south of the two segments) will be reviewed separately. Finally, we urge the Authority to engage in strategic mitigation strategies that would benefit both project delivery as well as yield more effective conservation outcomes.

The Nature Conservancy urges that the Draft EIR/EIS consider incorporating the following analysis to ensure that the least environmentally damaging alternative is selected:

1. Engage in Strategic Mitigation

As the California High-Speed Rail project develops, it is imperative that it be done in a manner that protects and enhances the state's natural resources. Over the past few years, state and federal agencies in California have been working together to develop an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources – through Regional Advance Mitigation Planning (RAMP).

693-1

RAMP incorporates both a regional geographic component and an advance time frame. The regional component allows state and federal agencies to consider the environmental impacts of several or one substantial planned infrastructure project(s) at once. The advance time frame identifies regional mitigation opportunities that will satisfy anticipated mitigation requirements early in the project planning and environmental review process, before the projects are in the final stages of approval. Working together, natural resource and infrastructure funding agencies can estimate mitigation needs early in the projects' timelines, avoiding permitting and regulatory delays and allowing public mitigation dollars to stretch further by securing and conserving valuable natural resources on a more economically efficient scale and before related real estate values escalate. Importantly, the RAMP approach relies on identifying and leveraging existing conservation priorities in a region, and driving those mitigation funds to implement the established conservation plans. Often local conservation entities – be they land trusts; local, regional, state or federal land management agencies or authorities; or entities with experience and a track record in the area, for example – are well aware of or are authors of the conservation plans and are best equipped to acquire and manage the mitigation lands.

For years, the trend with mitigation has been away from project-by-project mitigation that leads to conservation of small, disconnected, "postage-stamp" preserves and toward a more strategic approach that combines mitigation requirements in order to conserve larger expanses of intact habitat resulting in more effective conservation outcomes for the target species and communities. A project at this scale should certainly do mitigation in a way that benefits both the Authority and the local communities. The Authority should take advantage of these opportunities by working with federal and state agencies (such as the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the California Department of Fish and Game) who have been involved with the RAMP effort to develop a mitigation strategy that results in an effective conservation outcome, rather than a piecemeal approach. The Authority should also consider partnering with other infrastructure agencies, such as Caltrans, to bundle mitigation needs together to leverage larger conservation outcomes and achieve efficiencies of scale.

Successful implementation of RAMP with the high-speed rail project will include improved collaboration between the Authority and natural resources agencies on environmental review and mitigation, and better coordination between mitigation planning efforts and other conservation planning efforts. As a result, mitigation for the high-speed rail project will be more proactive and less reactive, more systematic and less haphazard, multifunctional rather than single purpose, and better integrated with other planning efforts, resulting in larger scale, more meaningful and cost-effective conservation.

2. Ensure Wildlife Habitat Connectivity

One of the most significant long-term ecological impacts of the project will be the fragmentation of wildlife habitat and isolation of species. Over time, the negative effect on population viability from fragmentation of habitat could be extreme for some wide-ranging species such as San Joaquin kit fox. The isolating effect will be greatest in areas where the rail corridor bisects large, relatively intact landscapes. Given how little intact low-elevation habitat remains in California for wide-ranging species, it is scientifically unjustifiable to consider creating additional barriers to wildlife movement when other alternatives exist for alignments in and around existing developed areas.

693-2

The Draft EIS/EIR addresses wildlife movement corridors mainly at the regional scale with a focus on protecting and enhancing riparian corridors based on a statement in Spencer et al (2010). While this regional analysis is important for a linear project like the HSR, solely focusing on corridors that are

Submission 693 (Elizabeth O'Donoghue, The Nature Conservancy, October 13, 2011) - Continued

693-2

regionally important without addressing connectivity at the local scale runs the risk of isolating locally-important core areas along the route (Huber et al 2010). Additionally, focusing solely on riparian corridors for restoration and enhancement opportunities related to corridors for wildlife movement may not address the needs of species that don't use these areas as conduits for movement.

The agricultural matrix surrounding the project route may provide important albeit less than ideal movement opportunities for some species. Actual animal movement for key species like San Joaquin kit fox should be assessed to determine the importance of these areas for movement across the landscape. Finally, connectivity could also be improved by restoration or reestablishment of "missing links" mentioned in the Draft EIS/EIR. Identification of these areas for target species and opportunities for corridor improvement efforts (e.g. upland restoration) might prove valuable for some of the species likely to be impacted by the project.

At a finer scale, the issue of fencing and permeability for wildlife is an extremely important aspect of the rail design, as it may block access to critical habitats necessary during a portion of a species life cycle (e.g. wetlands for amphibians). Further habitat connectivity modeling and field studies including: analysis of suitable habitat that would be fragmented by the rail corridor, population locations and recovery plan demographic area, are necessary before the impact of a fenced rail corridor can be adequately assessed. Additionally, the following data must be included in the Final EIR/EIS to understand the full range of habitat fragmentation impacts: how much of the route will be fenced, which species will likely be affected, whether pilings and support beams will also be fenced.

3. Protect Against Agricultural Land and Wildlife Habitat Conversion

693-3

The high-speed rail system should be planned and constructed in a manner that minimizes agricultural land conversion and impacts on the natural environment. The proposed alignment could impact thousands of acres of farmland in California's premier agricultural region. There is also the potential for the high-speed rail system to create more urban sprawl that will lead to the development of additional farmland. This loss of farmland will likely lead to further loss of wildlife habitat as grassland and oak woodland habitat in the foothills is converted to intensive agricultural land uses.

693-4

Wildlife is also dependent on agricultural lands. The loss of both natural and agricultural habitat will impact a number of species in the Central Valley. The Central Valley supports 60 percent of the migratory waterfowl along the Pacific Flyway. The San Joaquin kit fox, riparian brush rabbit, the Least Bells vireo and blunt-nosed leopard lizard are just a few of the endangered or threatened species maintaining a foothold in the region. The Draft EIR/EIS should consider alternatives that reduce to the greatest extent possible, impacts on wildlife habitat and agricultural land. In order to reduce impacts and land conversion, the alignment for the high-speed rail system should follow existing transportation or utility corridors to the extent feasible. Following existing transportation corridors will help reduce impact on agricultural lands and wildlife habitat. Analysis of the high-speed rail alignment should be completed to address the cumulative impacts of agricultural land and habitat loss.

The Nature Conservancy appreciates the opportunity to provide comments on the Draft EIR/EIS for the Fresno to Bakersfield and Fresno to Merced alignments. We recognize the considerable challenge of meeting the transportation needs of a growing California, while maintaining the natural values that make California exceptional. The Conservancy believes that we need to find creative solutions to these needs, and that the growth of our ecological infrastructure needs to run parallel to our expanding human infrastructure.

As such, the public and decision-makers must be presented with a thorough analysis of the environmental impacts of the project.

The Conservancy looks forward to the opportunity to work with the California High-Speed Rail Authority and staff to ensure the Final EIR/EIS takes into account both natural and economic resources that are essential to the vitality of California.

Thank you for your time and consideration.

Sincerely,



Elizabeth O'Donoghue
Director of Infrastructure and Land Use

CC: Ken Alex, Office of Planning and Research

Huber, P., S. Greco and J. Thorne. 2010. Spatial scale effects on conservation network design: trade-offs and omissions in regional versus local scale planning. *Landscape Ecology* 25:683-695.

Response to Submission 693 (Elizabeth O'Donoghue, The Nature Conservancy, October 13, 2011)

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See MF-Response-BIO-3.

693-2

Advanced mitigation planning will be conducted by the HST Merced to Fresno Section to promote continued wildlife connectivity as well as help minimize the conversion of remaining natural habitat through an approved mitigation process. As discussed in Section 3.7, after potential effects to wildlife habitat connectivity and habitat have been identified through research and preconstruction surveys are conducted prior to ground disturbing activity, a mitigation implementation guideline will be outlined within the Compensatory Mitigation Plan (CMP).

The CMP methodology identifies mitigation guidelines to offset the loss of sensitive natural resources occurred within the Merced to Fresno Section of the California High-Speed Train (HST) System. Compensatory mitigation guidelines outline the purchase of mitigation bank credits, fee-title acquisition, conservation easements, in-lieu fee payments, and conservation projects to create, restore and/or enhance habitats. The CMP details the options and methods for considering mitigation/conservation banks, in-lieu fee programs, and permittee-responsible mitigation. The CMP will be prepared in anticipation of requirements set forth by the United States Army Corps of Engineers (USACE), State Water Resources Control Board (SWRCB), United States Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), United States Department of Agriculture (USDA)/Natural Resources Conservation Service (NRCS), and California Department of Conservation (DOC). Only mitigation projects and programs with agency approval will be used to fulfill mitigation requirements. The next step is the preparation of a detailed and specific mitigation proposal, the Mitigation Strategy and Implementation Plan (MSIP). The MSIP will present the mitigation proposal for mitigating impacts on sensitive habitats, plants, and wildlife resulting from construction of the preferred alternative, and will provide a proposal detailing the location where mitigation is proposed to occur and the strategy proposed to implement mitigation to meet the standards set forth by the involved regulatory agencies. The MSIP will specify the quantity of acres/credits used to offset project effects by resource, as specified by the mitigation ratios described in the CMP. The overall mitigation strategy will consider the structural requirements of the agencies, use of umbrella species to provide mitigation for other species with similar habitat requirements, and the EIR/EIS

693-2

mitigation commitments. The MSIP will also use land acquisition strategies that consider watershed-level impacts when proposing mitigation, giving priority to areas that provide habitat connectivity and those areas with upland and wetland restoration and creation potential.

The advanced mitigation planning framework established by the Merced to Fresno HST Section will identify and promote wildlife movement as a core mitigation objective. Wildlife movement through the Merced to Fresno HST Section will be guided through the strategic utilization of fencing and underpasses that will aim to mitigate adverse effects to population connectivity for the San Joaquin kit fox. Permeability focal points will be situated to connect landscape elements for wildlife (i.e. vernal pools, washes) as feasible with project design. Fencing will be designed to minimize wildlife mortality from train strikes for both terrestrial and aerial species. Fencing will guide wildlife towards underpasses and discourage flight trajectories from intersecting the train right of way. Wildlife movement corridor implementation is discussed within Bio# MM #46-48 (See Section 3.7 of the EIR/EIS).

693-3

See MF-Response-GENERAL-3 and MF-Response-LAND USE-2. As discussed in Section 3.18, Regional Growth, the population in the Central Valley is expected to grow at a fast rate then the State of California.

New text has been added to Section 3.18, Regional Growth, to discuss Senate Bill (SB) 375 Sustainable Communities Strategies. SB 375 (2008) requires each of California's 18 Metropolitan Planning Organizations to adopt a "sustainable communities strategy" (SCS) or "alternative planning strategy" (APS) as part of their regional transportation plan. The purpose of the SCS or APS is to reduce greenhouse gas emissions from automobiles and light trucks within their region to meet emissions targets set by the California Air Resources Board. One element is to identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth. The SCS process, together with steps the Authority will take to assist with station area planning, is expected to encourage more compact development within the region and particularly around HST station locations. This compact

Response to Submission 693 (Elizabeth O'Donoghue, The Nature Conservancy, October 13, 2011) - Continued

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development will focus growth inward instead of outward and help to curb urban sprawl and the loss of agriculture lands and the loss of wildlife habitat. In addition, refer to Section 3.14.7, Agricultural Lands, for information on mitigation that will preserve farmlands, and reduce any impacts to wildlife habitat as well.

693-4

See MF-Response-GENERAL-2.

Submission 1108 (Trinidad Torres, Trini's Oil Inc., October 13, 2011)

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10-18-11A11:05 RCVD

TRINI'S OIL INC. 603 G. Street
Fresno, CA 93706
T 559-268-4852
trinisoiinc@sbcglobal.net

October 12, 2011
California High-Speed Rail Authority
Fresno to Bakersfield High-Speed Train Section
"Fresno To Bakersfield Draft EIR/EIS Comment"
770 L Street, Suite 800
Sacramento, CA 95814

Re: "Fresno to Bakersfield Draft EIR/EIS Comment"

Dear California High-Speed Rail Authority,

I have been a businessman in Fresno for over 50 years. My family and I have owned and operated Trini's Beacon Gas Station/Mini Mart on the corner of Ventura and G Street for the past 53 years. Our business has continued to thrive these 53 years because my family and I have continued to work long and hard at this same location and have become a staple of the West Side of Fresno. My family and I have continued to see our clientele grow with fourth and fifth generations of family members continuing to come through our doors. We are the only Beacon Gas Station in this area of town and Beacon/Valero credit card holders count on us to fill up their cars, trucks, motorcycles and even boats! We also have our own commercial and non-profit accounts we work with on a daily basis.

1108-1

Being an owner/operator of my family business for 53 years has also allowed me a bird's eye view of the changes that have hit the West Side of Fresno, be it good or not-so-good. I believe the High Speed Rail is a great opportunity to bring economic growth to Fresno and especially to the West Side of Fresno. My family and I would have liked to have been included in this opportunity and continue to serve all of our faithful customers for more years to come. However, the plans for the High Speed Rail will have an adverse effect on my business because of the proposed construction that will be placed on Ventura Avenue.

We understand that there will be an overpass starting at F Street and ending at H Street which will cause all traffic on Ventura and traffic coming off of the 99 Highway to completely bypass our business on G Street. There is also a plan to construct a 16-foot high retaining wall and/or pillars right in front of my business. Since most of my business comes from all traffic traveling east and west on Ventura and traffic going on/coming off of the 99 Highway, I will lose 95% of my business traffic with this planned overpass. There will not be any way for my family owned and operated business to survive with only 5% of the traffic that will be left. That 5% will be limited even further because the plan also calls for G Street to be closed at Church Avenue.

This is the only livelihood that my family and I depend on each and every day. We will all be adversely effected by the plans to bypass my business on the corner of Ventura and G Street. We are all looking forward to discussing with you possible remedies that would allow us to continue serving our customers on Ventura and G Street or the possible purchase/relocation of our business.

Sincerely yours,

Trinidad G. Torres
Trinidad G. Torres
President



CALIFORNIA
High-Speed Rail Authority

Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto de Informe de Impacto Ambiental/
Declaración de Impacto Ambiental (EIR/EIS)
Audiencias Públicas
Septiembre del 2011

Please submit your completed comment card at the end of the meeting, or mail to:

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:

Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

The
28, 20

Extended comment period for
Fresno to Bakersfield High-Speed
Train Draft EIR/EIS:

tember
ally, or
2011.

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

August 15-October 13

Name/Nombre: Trinidad G. Torres

Organization/Organización: Trini's Oil Inc.

Address/Domicilio: 603 G Street

Phone Number/Número de Teléfono: 559-268-4852

City, State, Zip Code/Ciudad, Estado, Código Postal: Fresno, CA 93706

E-mail Address/Correo Electrónico: trinisoiinc@sbcglobal.net

(Use additional pages if needed/Usar paginas adicionales si es necesario)

☒ See attached signed letter ☒

Response to Submission 1108 (Trinidad Torres, Trini's Oil Inc., October 13, 2011)

1108-1

Project operation may impacts businesses. Section 3.12.5 (Socioeconomics, Communities, and Environmental Justice) provides information on the property acquisition impacts on businesses. Relocation assistance would be provided to businesses as appropriate. It is anticipated that many of the jobs at these businesses would be relocated and not lost. See also MF-Response-SOCIAL-1 and MF-Response-SOCIAL-3.

Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011)



Jerry Wilmoth
General Manager Network Infrastructure

October 12, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Union Pacific Railroad Comments to Merced to Fresno Draft EIR/EIS

Dear High-Speed Rail Authority:

Union Pacific Railroad Company (Union Pacific) submits the following comments related to the Merced to Fresno Draft Environmental Impact Report/Statement (DEIR) in accordance with the guidelines on the California High-Speed Rail Authority's (Authority) website. Replies or requests for additional information from Union Pacific should be addressed to the undersigned.

1. Failure to Accurately and Consistently Address Union Pacific's Property Rights.

As Union Pacific has already stated in previous comments, no part of the high-speed rail system may be located on Union Pacific's property. This has not changed – Union Pacific requires preservation of its entire operating right of way.

One of the difficulties in reviewing the DEIR is that it contains incomplete and contradictory information about property issues touching on Union Pacific's rights. While the DEIR makes statements about not encroaching on Union Pacific's property, its drawings show unmistakable encroachments in the Fresno and Merced station areas. A stark example is an emergency vehicle access road for the Authority's use that would be located on the Union Pacific right of way near the Fresno station. The Authority's plans show this emergency vehicle access road crossing Union Pacific's mainline tracks at grade at two locations. For safety and public policy reasons, Union Pacific opposes the addition of any new grade crossings over its tracks.

Another example of a possible encroachment is that drawings related to the BNSF Alternative are mislabeled in a way that shows part of Union Pacific's right of way belonging to BNSF. This error misleads a person reviewing the plans to believe that the high-speed rail alignment will be adjacent to BNSF right of way along a three-mile stretch leading into the Merced station when in fact this section of the high-speed rail alignment is adjacent to Union Pacific's property.

California High-Speed Rail Authority
Re: UPRR Comments to Merced to Fresno Draft EIR/EIS
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Other examples of encroachments and inconsistencies exist, but it is not possible to fully evaluate and comment on them because the Authority's materials do not provide sufficient detail to identify property lines and measurements. This is a pervasive problem throughout the DEIR. From Union Pacific's review, it does not appear that right of way boundaries are depicted on any of the Authority's maps, and they are shown with insufficient precision on its drawings. To offer one example of the problem, Sheet T3003-A depicts features near the proposed Merced station. The drawing makes no reference to Union Pacific property or facilities, but this station would be located immediately adjacent to and apparently encroach upon the Union Pacific right of way. Remarkably, the DEIR does not address the extent of such potential acquisitions. To the contrary, it states that the plans call for no encroachments at all and relies on avoidance of encroachments as a basis for avoiding environmental impacts.

As a further example of this kind of inconsistency, the DEIR asserts that encroachments will be avoided while also stating that the project design "[u]ses shared right-of-way when feasible." (DEIR Executive Summary, p. S-9.) While this statement may be intended to refer to sharing right of way with other operators, the DEIR does not say so. Clarity on this point is essential.

2. Failure to Acknowledge Acquisitions for Eminent Domain Purposes.

Union Pacific reserves the right to make further comments and defend its interests against any eminent domain or other action related to the Authority's plans that would involve an encroachment upon or acquisition of Union Pacific's operating property. Union Pacific will not surrender or convey any property that could be used to support freight railroad operations.

Compliance with the California Environmental Quality Act (CEQA) is a prerequisite for the exercise of eminent domain authority. Accordingly, the Authority cannot attempt to condemn any Union Pacific property in reliance on an EIR that claims to avoid any acquisitions of such property. If this document is finalized without addressing such acquisitions and the Authority later wishes to pursue condemnation, a Supplemental EIR/EIS would be necessary.

3. Failure to Evaluate Impacts of Alignments Adjacent to Union Pacific's Right of Way.

There are three alternative high-speed rail alignments identified between Merced and Fresno: the UPRR/SR 99 Alternative, the BNSF Alternative, and the Hybrid Alternative. All three alternative alignments are adjacent to Union Pacific's Fresno Subdivision in the Fresno and Merced areas. In the Fresno area, the high-speed rail line passes over Union Pacific's main line at Herndon (San Joaquin River) and parallels the railroad's right of way on the west all the way into the Fresno station. At Merced the BNSF alternative utilizes the west side of Union Pacific's right of way from the south city limits.

The UPRR/SR 99 alternative is adjacent to Union Pacific almost the entire distance between these station areas. The BNSF alternative is adjacent to BNSF's main line between these areas. The Hybrid alternative is essentially the UPRR/SR 99 alignment with a wide bypass around downtown Madera, some of which would utilize the BNSF main line.

In short, even if there were no encroachments, all three alternatives would materially impact Union Pacific's right of way and operations. Yet the DEIR fails to recognize or evaluate any potential impacts, temporary or permanent, on Union Pacific's operations:

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UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360

Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

California High-Speed Rail Authority
Re: UPRR Comments to Merced to Fresno Draft EIR/EIS
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As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on freight operations. After construction, freight operation would continue as it currently does and vehicle miles would change in accordance with service plans of the UPRR and BNSF. No effects on freight rail operations are anticipated. DEIR Section 3.2 Transportation, p. 36.

This conclusion is false. All three alternative alignments place the high-speed rail line immediately adjacent to Union Pacific's main line at various locations. Such placement permanently forecloses any expansion by Union Pacific on that side of its right of way. This would include both capacity expansion and new spurs to industrial and agricultural shippers.

Moreover, the DEIR is vague about just how close the project alignment would be to Union Pacific's line. Under the heading of "UPRR Adjacency" (p. 2-41), the DEIR states that "the alternative is designed to avoid the existing UPRR operations right-of-way and active rail spurs to the greatest extent possible." There is no clear explanation of the configuration or minimum separation where space constraints may bring the lines into close proximity, or even encroachments where avoidance is not possible. As an example, Figure 2-29 merely shows a 100 foot separation in one short segment. Even where the high-speed rail line would be 125 feet or more from Union Pacific's main line, the buffer zone would not be usable for capacity or customer service. The DEIR fails to recognize or evaluate these impacts.

These are substantial issues, but they are not new – Union Pacific raised them in previous comments. Any constraints on freight rail capacity and expansion opportunities impact state and federal public policies and Union Pacific's commercial interests. For the DEIR to summarily conclude that the proposed high-speed rail project would have no effect on freight rail operations shows that the Authority has not sufficiently investigated, analyzed, and addressed these issues.

4. Failure to Address Construction Encroachments and Adjacency Impacts.

During construction of the high-speed rail line, impacts on adjacent freight rail operations could be significant. The DEIR states that "common construction impacts on all HST alternatives [include]: . . . Areas adjacent to freeways and/or existing rail lines where existing overcrossings would be modified or relocated" (p. 3.2-30) and that construction staging includes "structure construction to accommodate staged access of traffic across highway and rail right-of-way" (p. 3.2-33). The DEIR also notes that: "After construction, freight operation would continue as it currently does" (p. 3.2-36). Yet there is no analysis of impacts on freight rail during construction itself, beyond those brief statements, and no mitigation is provided for such impacts. Work on the high-speed rail line not only could physically affect Union Pacific's property, but also could affect the ability to conduct freight operations. Given the close proximity of the Union Pacific line, measures to avoid or reduce such impacts are essential.

To further illustrate this deficiency, one would anticipate that the Authority may wish to access the high-speed rail line from Union Pacific's property at some locations during construction. This would require acquiring temporary access rights from Union Pacific and may disrupt freight operations. Yet, while the DEIR (p. 3.2-30) acknowledges encroachments and the need for temporary construction easements affecting parking areas, roadways, pedestrian lanes, bicycle lanes and parks, this list does not include freight railroad lines (p. 3.2-30).

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California High-Speed Rail Authority
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Union Pacific notes that the Draft EIR/EIS for the Fresno to Bakersfield section of the high-speed rail project acknowledges the potential construction impacts on freight operations and the need for temporary "shoofly" tracks to divert freight rail lines as a specific mitigation measure:

10. Protection of freight and passenger rail during construction. Repair any structural damage to freight or public railways, and return any damaged sections to their original structural condition. If necessary, during construction, a "shoofly" track would be constructed to allow existing train lines to bypass any areas closed for construction activities. Upon completion, tracks would be opened and repaired, or new mainline track would be constructed, and the "shoofly" would be removed. Draft EIR/EIS, Fresno to Bakersfield Section, page 3.2-83.

Similar language would appear to be necessary to include in the DEIR for the Merced to Fresno section.

586-2

5. Failure to Evaluate Safety Risks and Mitigation.

In addition to inadequate evaluation of operational impacts, the DEIR fails to adequately discuss and evaluate the safety impacts inherent in high-speed operation. Along significant portions of all three alternative alignments, the high-speed corridor will be immediately adjacent to Union Pacific's right of way. Elsewhere, the plans call for high-speed trains to operate within 100 feet of Union Pacific freight trains. The DEIR does not clearly identify the proposed separation between track centerlines and right of way lines for each of the three alternatives. The failure to clearly identify separations and encroachments prevents Union Pacific from fully evaluating the safety implications of the different high-speed alignments.

The Authority proposes placing no safety barriers of any kind along the high-speed rail right of way where adjacent freight tracks are more than 102 feet away. (DEIR Section 3.1.1 Safety and Security, p. 23.) Where freight tracks are closer, the DEIR merely offers that some type of barrier "may" be required. It lists types of barriers that may be appropriate but provides almost no information about the standards to which they would be built. This leaves the railroad unable to evaluate and comment on the sufficiency of the suggested barriers.

The Federal Railroad Administration will likely require definite barriers and other safety measures between high-speed rail and freight trains. The DEIR fails to mention the jurisdiction and potential involvement of the FRA.

Union Pacific notes that the Authority's decision to require no barriers when freight and high-speed rail tracks are at least 102 feet apart appears to be based entirely on the use of random factual assumptions rather than an engineering study or other reliable authority. The Authority likewise cites no study or other authority for its standard that would permit freight and high-speed tracks to be as close to each other as 29 feet as long as a barrier is in place between them. The distance separating tracks is among the most important safety considerations for this project. Standards related to track spacing and the plans based on them cannot be valid and reasonable unless they are based on reliable authorities.

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Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

California High-Speed Rail Authority
Re: UPRR Comments to Merced to Fresno Draft EIR/EIS
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The deficiencies related to safety described above render the DEIR inadequate for all of the proposed alternative alignments. In short, while the DEIR acknowledges the possibility of high-speed rail and freight derailments (pp. 3.11-15, 23), it provides inadequate analysis of the risk that a derailment on one system may pose to trains and people on the other.

586-3

6. Any Flyover Must Comply With Union Pacific's Engineering Standards.

All three of the Authority's proposed alignments call for the high-speed tracks to cross over the Union Pacific right of way on a flyover structure at Herndon. If the Castle Air Base site is selected for the high-speed rail maintenance facility, the DEIR calls for additional construction at the north end of Merced, including an additional flyover of the Union Pacific tracks and some parallel high-speed rail operation. The drawings attached to the DEIR lack sufficient detail to permit Union Pacific to fully evaluate the proposed design of these flyovers. Any such structure must meet Union Pacific's engineering standards. These standards require that a flyover clear-span the right of way with no intermediate support structures and maintain a minimum vertical clearance of 23 feet 4 inches between the top of the freight rail and the bottom of the flyover structure for the full width of the right of way. A copy of Union Pacific's vertical clearance standard is enclosed for reference. Any pier located within 15 feet of Union Pacific's property must meet AREMA heavy pier construction (crash wall) standards. Footings for piers may not encroach onto Union Pacific's property.

7. The Authority's Plans for Grade-Separated Road Crossings May Not Preclude Future Grade Separation of Adjacent Union Pacific Tracks.

The Authority's plans call for multiple grade-separated road crossings. Where these grade separations are constructed near Union Pacific's right of way, they may prevent future grade separation of crossings on Union Pacific's line. For example, in Madera, the design of at least one high-speed rail flyover above a public street will leave insufficient space for construction of a future grade separation of an existing public grade crossing. Federal and state public policies as well as Union Pacific's safety standards call for elimination of grade crossings wherever practicable. The Authority's project must be designed in such a way that grade separation of nearby freight lines remains possible.

8. Failure to Ensure Sufficient Area for Required Freight Operational Activities.

Union Pacific conducts a number of activities on its rights of way that are ancillary to the operation of trains. Many of these activities are undertaken to comply with standards administered by the Federal Railroad Administration. For example, under 49 C.F.R. Part 213, Union Pacific must comply with minimum safety requirements for railroad tracks, signal systems, roadbeds, and adjacent areas. Certain requirements imposed by the California Public Utilities Commission also apply to conditions on a railroad right of way. In addition to following these regulatory standards, Union Pacific has adopted its own standards for the safe and efficient operation of the railroad.

In areas of proximity between the Union Pacific right of way and the high-speed rail alignment, sufficient space must be maintained for such operational and maintenance activities. Space must also be preserved for access and activities related to improvements that Union Pacific makes to its property from time to time, including construction of new facilities. Union Pacific reserves the right to make more specific comments about these issues as the Authority clarifies its proposals through a revised DEIR.

California High-Speed Rail Authority
Re: UPRR Comments to Merced to Fresno Draft EIR/EIS
October 12, 2011
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9. Failure to Adequately Address Other Environmental Issues.

Union Pacific notes several other elements of the DEIR that appear to be deficient but are of a more technical nature that would require significant discussion to fully address here. Given the necessity for the Authority to revise and recirculate the DEIR to correct the deficiencies described above, Union Pacific elects only to briefly flag these additional issues in these comments. It does so in an effort to help guide the Authority's further development of its documentation and to preserve Union Pacific's ability to address these issues in more detail if they remain unaddressed in the revised DEIR and if their resolution may have a possible effect on Union Pacific's interests.

586-4

A. The DEIR does not adequately address land use, displacement, and environmental justice impacts of the proposed project. This is another consequence of the lack of consistency and clarity about potential land acquisitions that would be required for the Authority's project.

586-5

B. The DEIR does not adequately address impacts on natural resources, such as sensitive species and habitat, wetlands, hydrology, and water quality that could result from the Authority's efforts to avoid safety and operational problems due to overlapping or close alignments.

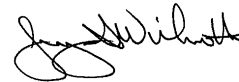
586-6

C. The Authority appears to omit, understate, or under-analyze several aspects of construction, maintenance, and operation of the proposed project that will have an impact on the DEIR's air-quality analysis.

10. Conclusion.

For the sake of efficiency, after the Authority addresses the deficiencies described in these comments, Union Pacific invites the Authority to share its proposed plans with Union Pacific for informal review in order to identify potential issues and solutions before circulating a revised DEIR.

Sincerely,



Jerry S. Wilmoth
General Manager Network Infrastructure

Attachment – 1) UPRR Vertical Clearance Standards

Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

UPRR Comments to DEIR for Merced to Fresno Section of CHSRA – UPRR Vertical Clearance Standards

586-7

Union Pacific Railroad Comments to DEIR for Merced to Fresno Section of the California High-Speed Rail Authority

Union Pacific Railroad Vertical Clearance Standards

4.1.3 Future Track(s)

A fundamental part of any feasibility study is to verify the need, requirement and location of future main, siding and/or spur tracks. The Railroad has the right to reserve the Railroad right-of-way for future expansion per Section 2.2. In many cases the Railroad may have specific plans for additional tracks for all critical, major and other service routes. In other cases a transit agency may have long range plans to use part of or the entire corridor for future transit or commuter rail service. Should additional tracks be a possibility, they should be included in the design process. Space is to be provided for one or more future tracks as required for long range planning or other operating requirements. Where provisions are made for more than two tracks, space is to be provided for an Access Road on both sides of the tracks.

All structures located within critical, major and other service routes that require additional track(s) shall be designed to accommodate future track expansion. Future freight track shall be located a minimum of 20 feet (UPRR) or 25 feet (BNSF) from the centerline of the nearest existing track. Future commuter track shall be located a minimum of 25 feet from the centerline of nearest existing or future freight track.

4.1.4 Access Road

Access Road requirements and location should be verified at the concept stage of the proposed Grade Separation Project. Access Roads provide maintenance and emergency access to the Railroad local operating units. Access Road, Access Road bridge or Access Road turnaround with a minimum of 50' radius is to be provided as designated by the local Railroad Operating Department. Grade Separation design should include adequate access to existing Railroad facilities along and/or within its right-of-way.

Minimum Access Road width shall be 10 feet and the centerline of the Access Road shall be located a minimum of 20 feet from centerline of nearest existing or future track.

4.4.1.1 Temporary Vertical Construction Clearances

A minimum temporary vertical construction clearance of 21 feet 6 inches (21'6") measured above top of high rail for all tracks shall be provided. The required minimum temporary vertical clearance shall not be violated due to deflection of formwork. Greater temporary vertical clearances may be required. The temporary vertical clearances are subject to Railroad local operating unit requirements.

1

UPRR Comments to DEIR for Merced to Fresno Section of CHSRA – UPRR Vertical Clearance Standards

586-7

4.4.1.2 Temporary Horizontal Construction Clearances

A minimum temporary horizontal construction clearance of 15 feet for BNSF and 12 feet for Union Pacific, measured perpendicular from the centerline of the nearest track, to all physical obstructions including but not limited to formwork, stockpiled materials, parked equipment, bracing or other construction supports, shall be provided. Temporary horizontal construction clearance shall provide sufficient space for drainage ditches parallel to the standard roadbed section or provide an alternative system that maintains positive drainage.

5.2.1 Permanent Vertical Clearance

The minimum permanent vertical clearance, per Code of Federal Regulation, shall be 23' - 4" measured from the top of the highest rail to the lowest obstruction under the structure. The 23' - 4" permanent vertical clearance must not be violated due to deflection of the superstructure.

Additional vertical clearance may be required for correction of sag in the track, construction requirements and future track raise.

The profile of the existing top-of-rail, measured 1000 feet each side of proposed Overhead Structure, shall be shown on the plans. If the profile indicates sag at the proposed bridge location, the vertical clearance from the top of the highest rail to the bridge shall be increased sufficiently to permit raising the track to remove the sag. A note should be added to the profile stating, "The elevation of the existing top-of-rail profile shall be verified before beginning construction." All discrepancies shall be brought to the attention of the Railroad prior to the commencement of construction.

5.2.2 Permanent Horizontal Clearance

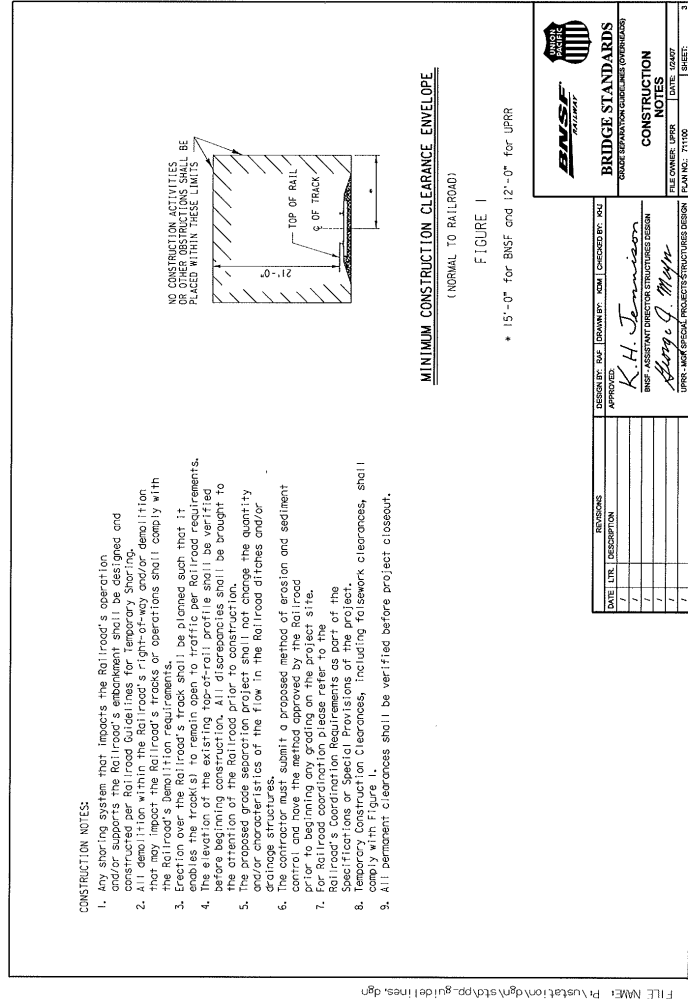
Future Track per Section 4.1.3 and Access Road per Section 4.1.4, of these Guidelines must be verified with the Railroad in advance of establishing horizontal clearances. The Railroad requires all piers and abutments to be located outside the Railroad right-of-way limits and to comply with Section 4.1.3 and 4.1.4 of these Guidelines. If this is not feasible, all piers and abutments shall be located more than 27 feet measured perpendicular from centerline of nearest existing or future track. Piers within Railroad right of way, or within 25 feet, measured perpendicular from centerline of existing or future track, shall be protected per Section 5.5.2 of these guidelines. Absolute minimum horizontal clearance, requiring special review and approval by the Railroad, and subject to site conditions, shall be 18 feet measured perpendicular from the centerline of the track to the face of the pier protection wall.

5.3 Temporary Clearances

The proposed Overhead Structure shall be designed to satisfy temporary construction clearance requirements per Section 4.4.1 and shown on the plans in accordance with Figure 1 on Plan No. 711100, sheet 3.

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Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued



Response to Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011)

586-1

1-4The design provided in the Draft EIR/EIS is a conceptual design and actual right-of-way boundaries have not yet been surveyed. As stated in Section 2.4.2.1, "The (UPRR) alternative is designed to avoid the existing UPRR operations right-of-way and active rail spurs to the greatest extent possible.", but minor encroachments may ultimately be necessary and will be determined during final design. In addition, aerial easements over UPRR right-of-way would be needed and are discussed in Section 2.4.2.1. These crossings would meet all FRA design requirements. The EIR does not claim to entirely avoid encroachments into the UPRR right-of-way and the potential use of UPRR right-of-way is disclosed as required under CEQA. With regards to construction access, the language in Section 3.2 Transportation has been updated to more clearly define the use of temporary construction easements. The Authority looks forward to coordinating with UPRR during final design on these issues.

The Authority has researched all reasonably foreseeable future projects within the project study area, including planned future rail spurs and planned freight rail expansion. When identified, they have been accommodated in the design. Potential encroachments on UPRR right-of-way would be minimized to the extent possible and the separation distances described in Section 2.4.2.1 would still be required, allowing for safe operation of the freight rail line.

586-2

#5. The separation requirements for the HST operating in proximity to conventional freight railroad are described in the HST Technical Memorandum 2.1.7 - Rolling Stock and Vehicle Intrusion Protection for High-Speed Rail and Adjacent Transportation Systems (TM 2.1.7). The technical memorandum is available at the Authority's website. http://www.cahighspeedrail.ca.gov/tech_memos.aspx.

TM 2.1.7 provides the following guidance for the minimum separation distance without intrusion protection:

"In order to protect the HST operational infrastructure, the minimum separation distance should be increased to include the maximum practical excursion of the longest U.S. freight rail car from the center of track plus an allowance for protection of the overhead contact system (OCS) masts. Increased separation distance and intrusion protection

586-2

measures should be considered based on location-specific risk analysis. This method establishes the following separation requirements: A car body length of 89 ft (27 m) for the freight rail car displacement plus an allowance of 12.5 ft (3.8 m) offset to include an OCS mast foundation. This results in a minimum separation distance, without an intrusion protection barrier, of 101.5 ft (30.9 m), and rounded to 102 ft (31.0 m)."

TM 2.1.7 discusses alternative approaches that can be used to mitigate the risk of vehicle intrusion at locations where the HST system operates in proximity to existing rail lines and define a range of separation distances (less than 102 feet) with the associated requirements for the protection of HST operational infrastructure. The range of separation distances and protection measures include:

- Minimum Distance between Track Infrastructures without an Intrusion Protection Barrier
- Minimum Distance between Tracks Using an Earthwork Barrier
- Minimum Separation between Tracks Using Earthwork Berm and Ditch
- Minimum Separation between Tracks Using Earthwork Berm

As described in TM 2.1.7, the recommended approach was developed specifically for the HST and does not directly adopt existing criteria for separation requirements. The guidance in TM 2.1.7 generally follows the recommended practices described in the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual and the design standards developed specifically for the construction and operation of high-speed railways based on international practices. This includes technical guidance from National French Railways for separation between high-speed train system and roadway infrastructure and International Union of Railways (UIC) Codes for Structures Built over Railway Lines. For intrusion from highways/roadways and protection of highway motorists, the design guidance follows FRA recommendations and was revised to be compliant with Caltrans Highway Design Manual, which was updated in 2011 to specifically address separation requirements for high-speed train facilities adjacent to the state highway system.

For conventional rail systems, Chapter 8 of the AREMA Manual, part 2.1.5.1 indicates that "research by the National Transportation Safety Board found no clear break point in the distribution of the distance traveled from the center line of the track by described equipment. It was therefore decided to retain the existing criteria of 25 ft (7.6 m)

Response to Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

586-2

distance within which collision protection is required."

FRA has the responsibility to provide safety oversight for high-speed rail in the United States. FRA's current safety regulations for railroads are published in 49 Code of Federal Regulations sections 200 through 299. FRA's Railroad Safety Advisory Committee (RSAC) Task Force-II is working to establish equipment standards up to 220 mph that will allow for intermixing with conventional equipment under Tier I conditions that will supersede the Operating Tiers described in the High-Speed Passenger Rail Safety Strategy published by FRA in November of 2009.

FRA has reviewed the guidelines for intrusion protection and the technical justification developed for the HST. A teleconference was held with FRA on October 21, 2011 to review FRA comments on HST Safety Analysis Guide and TM 2.1.7. During the teleconference, FRA indicated no specific comments or concerns regarding the technical content or design guidance in the TM.

Neither the FRA nor any agency in the United States has defined criteria for separation requirements between high-speed rail and conventional rail systems. Therefore, separation requirements for the HST were developed specifically for the HST and are presented in TM 2.1.7. The basis of separation requirements and intrusion protection were developed based on review and assessment of the following documents:

1. FRA and AREMA guidelines regarding separation and protection of adjacent transportation systems and conventional railroads, including:
 - o Federal Railroad Administration Code of Federal Regulations (CFR)
 - o 49 CFR Part 213 Section 316 for protection of the right-of-way for Class 8 and 9 tracks
 - o 49 CFR Part 214, Railroad Workplace Safety
 - o FRA's High-Speed Passenger Rail Safety Strategy published by FRA (November 2009)
 - o U.S. Department of Transportation / FRA Report entitled, "Safety of High-Speed Guided Ground Transportation Systems, Intrusion Barrier Design Study" (November 1994)
 - o The Manual for Railway Engineering of the American Railway Engineering and Maintenance-of-Way Association (AREMA)

586-2

2. California Public Utilities Commission General Orders
3. California Department of Transportation (Caltrans), Highway Design Manual and Standard Plans
4. Intrusion protection measures used on high-speed rail systems in Europe and Asia, including applicable published studies regarding the safe separation and intrusion protection for high-speed trains systems and adjacent transportation systems.
 - o Technical Guidebook GEFRA 2004: technical guidance from National French Railways about twinning between high-speed train and road or highway infrastructures
 - o UIC Code 777-2: 'Structures Built over Railway Lines – Construction in the Track Zone'

586-3

6: Comments will be incorporated during 30% design as applicable.

7: When the HST tracks are at-grade and adjacent to UPRR all proposed roadway grade separations will extend past the UPRR right of way. At locations where the HST tracks are aerial and adjacent to the UPRR a roadway underpass can be provided.

8: CAHSRA is not responsible for providing additional right of way to access UPRR facilities for maintenance.

586-4

See MF-Response-SOCIAL-7 and MF-Response-LAND USE-2. In addition, the EIR/EIS provides analysis on land use impacts, displacements, and environmental justice in Section 3.12.5 and 3.13.5 respectively. The analysis for land use and displacements is based upon the latest design information.

586-5

See MF-Response-BIO-1 and MF-Response-BIO-2.

586-6

The air quality impact analysis for the HST EIR/EIS was performed following the applicable federal, state, and local agency guidance, and using reasonable forecast data of the project and the region. Air quality impacts during project construction and

Response to Submission 586 (Jerry S. Wilmoth, Union Pacific Railroad, October 12, 2011) - Continued

586-6

operation were evaluated in the EIR/EIS. Refer to Section 3.3 of the EIR/EIS for details.

586-7

All UPRR and BNSF design criteria will be followed during the 30% design phase and during construction.

Submission 160 (Wells Nut Farm Inc Wells Nut Farm Inc, Wells Nut Farm Inc, September 14, 2011)

HIGH SPEED RAIL COMMENT SHEET

Please complete and mail this sheet to the following address:

Attention: Supervisor John Pedrozo

County of Merced

2222 M Street

Merced, CA 95340

NAME Wells Nut Farm Inc
First Last
ADDRESS Fresno Rd LeGrand Ca 95333
Street Address Town/City Zip Code
MAILING ADDRESS _____
(IF DIFFERENT FROM ABOVE) Address Town/City Zip Code
TELEPHONE NUMBER (209) 389-4025
EMAIL ADDRESS Wells 5 Nuts @ AOL . Com

☒ Please check here if you would like me to notify you via email or mail of upcoming High Speed Rail public hearings or meetings for the next 12 months.

Please check all that are applicable.

- 160-1
- ☒ I STRONGLY SUPPORT THE A-2 HIGH SPEED RAIL ROUTE ALTERNATIVE (UNION PACIFIC RAIL ROAD/HIGHWAY 99) AND AM AGAINST THE A-1 ROUTE ALTERNATIVE.
 - ☒ I SUPPORT THE A-2 ROUTE BECAUSE IT'S CLOSEST TO A MAJOR TRANSPORTION CORRIDOR.
 - ☒ I SUPPORT THE A-2 ROUTE BECAUSE IT WOULD LEAST IMPACT FARMLAND AND HABITAT AREAS.
 - ☒ I AM AGAINST THE A-1 ROUTE BECAUSE IT MOST NEGATIVELY AFFECTS THE COMMUNITY I LIVE IN.

Please provide any additional reasons or comment as to why you support an A-2 route.

Please note that your comments provided on this sheet will be forwarded to the California High Speed Rail Authority for their public comment records.

Response to Submission 160 (Wells Nut Farm Inc Wells Nut Farm Inc, Wells Nut Farm Inc,
September 14, 2011)

160-1

See MF-Response-GENERAL-10. Also see Chapter 7 Preferred Alternative of the EIR/EIS which summarizes the relative differences between the alternatives and identifies the Hybrid Alternative as the preferred alternative for the Merced to Fresno Section.

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011)

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OF COUNSEL
Gary A. Patton

October 12, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: Merced_Fresno@hsr.ca.gov]

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") prepared by the California High-Speed Rail Authority for the Merced to Fresno section of the proposed California high-speed train project. Please note that we have submitted a separate letter, as well, specifically focusing on the environmental impacts of the proposed project in and around the City of Fresno.

This law firm represents Citizens for California High-Speed Rail Accountability ("CCHSRA"), and the comments contained in this letter are submitted on behalf of CCHSRA and its members. On behalf of CCHSRA, I would like to ask the Authority promptly to post online, immediately after the October 13th comment deadline, a copy of the comments we submit, and a copy of the comments submitted by others. CCHSRA members, and other members of the public, have an intense interest in the environmental impacts of the proposed project, and your prompt posting of comments received on the Draft EIR/EIS will help facilitate continued public involvement and understanding.

CCHSRA is a grassroots community organization that was formed to ensure that the proposed California High-Speed Rail Project does not adversely affect the economy, environment, or the quality of life of California's existing communities. The Authority's current plan would have truly devastating and negative impacts on the natural environment, on the agricultural economy of the California Central Valley, and on local communities located within the Central Valley. It would also, specifically, have negative impacts in and around the City of Fresno. The Authority should either significantly revise or abandon the proposed project as currently configured.

If the Authority wishes to proceed with the proposed project, a revised EIR/EIS is required, and such a revised EIR/EIS must be recirculated for additional public review and comment.

668-2

Inadequate Comment Period

As a preliminary matter, CCHSRA reiterates its belief that the 60-day comment period established by the Authority did not provide an adequate time for the public to comment on the Draft EIR/EIS. We are attaching a copy of CCHSRA's September 14, 2011 letter, outlining why an expanded comment period is required. We hereby incorporate that letter into these comments [Exhibit A].

Late Breaking Proposal To Revise The Fresno To Bakersfield Draft EIR/EIS

As another preliminary matter, CCHSRA notes that on October 5, 2011, only a few days before the current October 13, 2011 comment deadline established for both the Merced to Fresno and the Fresno to Bakersfield sections of the proposed project, the Authority essentially extended the comment period for the Fresno to Bakersfield section, by publishing a Notice stating that a "Revised" Environmental Report for the Fresno to Bakersfield section of the proposed High-Speed Train Project would be released in the spring of 2012, and that the Authority's plan to issue such a "Revised" EIR/EIS will "afford additional time to review the information contained in the current Draft EIR/EIS." A copy of that October 5, 2011 Notice is attached to this letter as Exhibit B.

CCHSRA strongly urges the Authority to provide a comparable extension of the comment period for the Merced to Fresno section, in connection with the preparation of a revised EIR/EIS. In essence, the proposed project is "all of a piece," and as the comments in this letter make clear, the current Draft EIR/EIS for the Merced to Fresno section must be significantly revised and recirculated, to comply with the mandates of both CEQA and NEPA.

Comments on the Draft EIR/EIS

There are, essentially, at least *two* basic objectives of the environmental review process: (1) to provide governmental agency decisionmakers with the ability to make better decisions because they have the information to do that; and (2) to inform and engage the public in the decisionmaking process (a purpose which, in and of itself, will help governmental decisionmakers make the best decisions possible).

The current process, and the current EIR/EIS, is deficient on both these counts. The process, and the documents presented to the public, are unclear and confused, and do not provide the public (and affected governmental agencies) with the information necessary properly to evaluate the project proposed, and to comment intelligently on that project. Further, because the current EIR/EIS is incomplete, unclear and unfocused, it is totally inadequate as an informational document for the Authority, which is supposed to use this EIR/EIS to make the best possible decision it can about the proposal to construct a new high-speed train system in the State of California.

The stakes here are immense. This proposal is for the largest public works project in the history of the state of California, and it is imperative that the state take the time to "do it right."

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Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

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Furthermore, the “risks” involved are similarly immense. At stake is the future of the agricultural economy of the California Central Valley, and the social and economic survival of many Central Valley communities.

Because of federal funding deadlines, which are demanding that this project be treated as a short-term “job stimulus” project, instead of as the 100-year plus public infrastructure project that it actually is, the Authority is being pushed to make far-reaching decisions without adequate information and analysis. The current EIR/EIS clearly reveals that this is so, and this is the opposite of what CEQA and NEPA demand.

CCHSRA urges the Authority, and the Governor and the State Legislature, to insist on good information, and on full public participation and review. We urge state decisionmakers to take the time necessary to “do it right.” If California hopes to gain the benefits that may flow from the creation of a functional high-speed rail system in the state, “quick” decisions are not the most important thing. Making the “right” decisions is what is needed most. A review of the current EIR/EIS for the Merced to Fresno section of the proposed statewide project reveals that more time and analysis are needed, in order to make it possible for the state to make the right decisions about the proposed high-speed train project. Our comments on the current Draft EIR/EIS for the Merced to Fresno section of the proposed project are listed below:

1. **The Current EIR/EIS Is Premature.** Information necessary to complete a legally adequate environmental analysis is not yet available to the Authority, and/or has not been furnished to the public. Without a stable project description that documents the entirety of the proposed project, in all of its aspects, the entire public participation and agency review process is compromised. Information that is not now available, and that must be made available in connection with environmental review, includes, but is not limited, to the following:

668-4

- **High Speed Rail Business Plan.** As we understand it, the High Speed Rail Business Plan that will outline how the project will actually be structured and operated is currently scheduled for release on November 1, 2011. The Business Plan is expected to contain a close look at funding, ridership and other information pertinent to the feasibility of these proposed Central Valley projects. The current Draft EIR/EIS makes clear that the supposed benefits of the proposed project, including the possible reduction of Greenhouse Gas Emissions (GHG), the possible reduction in Vehicle Miles Traveled (VMT), and the possible increase in high wage jobs (and similar possible benefits) all rely on the completion of an integrated high-speed train (HST) system that actually connects major destinations in Southern California with major destinations in Northern California. Until the Business Plan is completed and has undergone the statutorily required review, it is impossible adequately to analyze project proposals for any individual sections of the HST system, since the benefits are contingent on the successful completion of the HST system as a whole. Environmental review of both of the Central Valley Draft EIR/EIS documents should be put on hold unless and until a Business Plan is approved that demonstrates the feasibility of the HST system as whole.

3

668-5

- **HST Alignments Connecting the Central Valley to Metropolitan Areas.** A number of the HST alignments are still in contention and/or are undergoing additional study, including but not limited to the route between Los Angeles and Bakersfield. The “program level” EIR for the Central Valley to Bay Area section of the proposed project is under legal challenge, and a court decision on the adequacy of the program level EIR/EIS on that section is pending in the Sacramento Superior Court. What is done in terms of routing outside the Central Valley will affect proposed routing decisions (and their impacts) within the Central Valley. Furthermore, because the possible benefits of the proposed HST system will only be achieved if and when connections to the Bay Area and the Los Angeles Metro Area have been accomplished, it is premature to consider specific routings within the Central Valley. Unless and until the HST system is clearly defined, and there is a stable project description, which means that all alignments are known and found to be feasible (including in terms of timing, funding and engineering), the Central Valley portions of the proposed HST project should be put on hold.

668-6

- **Air Quality Conformity Determination.** According to the Draft EIR/EIS for the Fresno to Bakersfield section of the proposed HST project, “the HST project is not currently included in the Fresno COG, KCAG, TCAG, or Kern COG transportation conformity determination.” While the Draft EIR/EIS indicates that “it is anticipated that the next revision of the Fresno COG, KCAG, TCAG, or Kern COG RTPs will include the operation of the HST and that the associated conformity determination will likely include the HST project” (Draft EIR/EIS for the Fresno to Bakersfield section at page 3.3-38), the proposed HST project cannot be approved until there is an Air Quality Conformity Determination. That determination contains information needed for a complete and legally adequate environmental review, consistent with the requirements of both CEQA and NEPA. While we are citing to the Fresno to Bakersfield Draft EIR/EIS, the point applies equally to the Draft EIR/EIS for the Merced to Fresno section.

668-7

- **Lack of a Least Environmentally Damaging Alternatives Analysis.** Both the Merced to Fresno and the Fresno to Bakersfield sections of the proposed HST project require Clean Water Act compliance and CWA 404 permits. In order for such permits to be issued, the US Army Corp of Engineers must take into consideration the least environmentally damaging alternatives project alternatives. Neither of the currently circulating Draft EIR/EIS documents provides a LEDPA option as required for the CWA 404 permits, which means that the environmental analysis contained in the current Draft EIR/EIS is inadequate and incomplete.

668-8

- **Williamson Act Parcels and Their Status.** Both of the Draft EIR/EIS documents for the proposed Central Valley sections lack complete lists of parcels enrolled in the Williamson Act, as well as an accurate description of

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each parcel's Williamson Act status. This information must be contained in the draft documents so that the respective counties, and the public, can evaluate and comment on the impacts of the cancellation requests.

668-9

- **Adequate Ridership Analysis.** As the Authority has been informed on numerous occasions (particularly in connection with its consideration of its program level HST options in the Central Valley to Bay Area section of the proposed statewide project), the "ridership model" and "ridership" analysis used by the Authority is deficient, and must be reworked and reevaluated. The proposed routing for all sections of the project must be based on a competent and accurate ridership model, and the design of the project must reflect such an accurate ridership analysis. Attached as Exhibit C is a critique of the Authority's current ridership model and ridership analysis. The Authority must utilize an accurate model and analysis in designing its proposed HST project, and all sections thereof. Therefore, the current Draft EIR/EIS must be revised and recirculated.

668-10

2. **The Draft EIR/EIS Improperly Tiers from the Prior Environmental Documents.** "Tiering" refers to the coverage of general environmental matters in a broad, certified program level EIR/EIS. Typically, the project level environmental document incorporates by reference (and summarizes) the broader discussions in the Program EIR, and then concentrates on project-specific impacts, mitigation and alternatives. In order for a project EIR to tier appropriately (consistent with the requirements of CEQA):

- The project must be consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified;
- No substantial changes can be proposed in the project which will require major revisions of the environmental impact report;
- No substantial changes can have occurred to the circumstances under which the project is being undertaken; and
- No new information that was not known and could not have been known at the time the program EIR was certified as complete, can have become available.

In this case, the Draft EIR/EIS fails to explain or document how it can be properly held to tier from the prior 2005 Program EIR/EIS. In responding to this comment, the Authority must provide a detailed explanation of how the current project level Draft EIR/EIS meets the tiering requirements under CEQA. In addition, the Draft EIR/EIS fails to state how it relies on information from the first-tier programmatic environmental review documents prepared in connection with the overall, statewide HST project. Again, a detailed explanation must be provided as to how the current Draft EIR/EIS relies on information from the first-tier documents.

As an example, it does not appear that the alternative alignments in the Draft EIR/EIS for the Merced to Fresno section were analyzed in the prior first-tier document

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668-10

(i.e., in the 2005 Programmatic EIR/EIS). The routing alternatives considered for the Merced to Fresno section of the HST are apparently based on alternatives selected by the Authority and the Federal Railroad Administration (FRA) at the conclusion of the Tier 1 EIR/EIS for the Proposed California High-Speed Train System 2005 Final Program EIR/EIS, and the Bay Area to Central Valley HST Final Program EIR/EIS, completed in 2008, and the Bay Area to Central Valley HST Revised Final Program EIR, completed in 2010 (See the Draft EIR/EIS for the Fresno to Bakersfield section at page 2-1). Since both the 2008 and 2010 EIR/EIS documents focused on the Bay Area to the Central Valley, it is unclear how this could be true. The current Draft EIR/EIS can really only have tiered from the 2005 Final Program EIR/EIS for the entire statewide project, yet, the alignments in the current Draft EIR/EIS do not appear to be consistent with the alignments analyzed in the 2005 Programmatic EIR/EIS. The Authority must explain in its response to this comment, or in its proposed "Revised" Draft EIR/EIS, how the proposed project in the Merced to Fresno section is consistent with the alignments and projects analyzed in Tier 1 EIR/EIS documents, and from which of such documents the current Draft EIR/EIS is supposed to tier.

The current Draft EIR/EIS also improperly tiers from earlier documents because circumstances have significantly changed since the Tier 1 environmental documents were completed. Such changed circumstances include but are not limited to: changes in ridership projections (not yet finalized); dramatic increases in fares to ride the proposed HST; and increasing costs to complete the HST System, including specifically both the cost of the total project and the costs now expected for the two Central Valley sections. These changes in circumstances are substantial, and render the information, analysis and assumptions in the Tier 1 documents out of date. Whatever Tier 1 documents the Authority may be relying on, they are no longer able to provide the evidence needed to support conclusions reached in the current Draft EIR/EIS. Specifically, conclusions concerning the benefits of the proposed project on job creation, greenhouse gas reductions, air quality emissions, and VMT reductions, among others, all need to be reexamined in the current Draft EIR/EIS. The current Draft EIR/EIS cannot rely on the Tier 1 documents for analysis, conclusions or mitigation, and must instead include a new and current analysis of conditions and impacts in the Central Valley, specifically, and that can be expected on a system wide and cumulative basis.

668-11

3. **The Draft EIR/EIS Fails To Provide A Proper Analysis of Alternatives.** It is absolutely clear that CEQA and NEPA require any EIR or EIS to describe and analyze a reasonable range of alternatives. The current Draft EIR/EIS fails the test, presumably because it erroneously relies on earlier, so-called Tier 1 documents that the Authority considers to have "settled" the questions. As noted, the current Draft EIR/EIS is not properly tiered on earlier documents, and that means that this document must truly consider potential alternatives that could avoid routing the proposed HST through the middle of hundreds of productive farms, and through significant wildland areas, since the proposed routing places the future of the agricultural economy of the Central Valley at significant risk. As indicated in our

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separate letter, the proposed routing through Fresno also would have very significant adverse impacts, and reasonable alternatives must be analyzed.

CCHSRA asks, specifically: why not really examine and analyze an I-5 alternative? We ask the Authority to analyze this alternative, and other reasonable alternatives, in a redrafted and recirculated EIR/EIS.

668-12

4. **The Draft EIR/EIS Improperly Piecemeals Consideration of Project Impacts.** CEQA forbids public agencies from “piecemealing” or segmenting a project by splitting it into two or more parts, and then analyzing the parts independently. It is clear that neither the statute nor the courts will permit “environmental considerations ... [to]... become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences” (*Burbank Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592).

CEQA requires consideration of the whole of a project, and a “project” is defined as “the whole of the action that may result in either a direct or reasonably foreseeable indirect physical change in the environment” (CEQA Guidelines Section 15378). In this case, the “whole project” is the complete, statewide HST System. To consider one of the Central Valley “sections” of the total project as “the project,” would violate the anti-piecemealing requirements of CEQA, and would allow exactly what the public is concerned about, namely the approval of a “train to nowhere.” In order properly to evaluate the proposed Merced to Fresno section of the state’s proposed HST project, and to “do it right,” the state should reissue a revised Draft EIR/EIS on the total HST system, once key alignment choices have been resolved and outstanding information, such as the Business Plan, have been completed.

CCHSRA fully understands that this approach (legally required by both CEQA and NEPA) is in conflict with the idea that final and binding project decisions must be made almost immediately, so the state can put “shovels into the ground” by the fall of 2012, and therefore meet deadlines related to federal stimulus funding. In fact, as mentioned earlier, this proposed project is *not* a “jobs program;” it is the biggest public works and infrastructure project ever proposed in the State of California. The proposed project will potentially cost more than \$100 billion dollars, and will be in place for 100 years or more. Its impact on farmland, and on the natural environment, and on the agricultural economy of the state, and on many Central Valley communities, including those along the proposed Merced to Fresno section, will be immense. The serious demands of CEQA and NEPA, besides making basic good sense, require that California take the time to “do it right,” and to provide both the public and the governmental agencies involved with an opportunity really to find the best alternatives available, and to understand all of the possible benefits and the possible adverse impacts, before actually putting those “shovels in the ground.”

668-13

5. **The Project Description Contained In The Draft EIR/EIS Is Inadequate.** A stable and consistent description of the proposed project is a prerequisite to a legally

668-13

sufficient EIR/EIS. Without a stable and full project description, the public and governmental decision-makers are left to guess about the true scope of a project, and about its actual impacts, both positive and negative. As a result, the courts have found that even if an EIR/EIS is adequate in all other respects, the use of a “truncated project concept” mandates the conclusion that the lead agency did not proceed in a manner required by law.

In this case, the description of the “project” varies from section to section in the Draft EIR/EIS, and is generally inconsistent and unfocused. For purposes of deriving the supposed benefits of the “project” related to regional economic growth and the growth of high wage jobs, GHG emission reductions, reductions in vehicle miles traveled, and a reduction in air pollution, a description of the “project” has been achieved by scaling the proposed statewide “project” to a four county area that is described as being “within the HST system.”¹

Contrast this description of the proposed “project” to the narrow description of the “project” in other portions of the Draft EIR/EIS. In the case of many project-specific impact analyses (e.g. biological and wetlands; noise and vibration; agricultural land), the proposed “project” is narrowly defined as tracks and related facilities in the four county area; within that “project” description, impact areas are even more precisely defined. Further complicating this question of what the proposed “project” is supposed to be for purposes of impact analysis, the Regional Growth section also relies on the Bay Area to Central Valley section of the statewide project to support the conclusion that HST alternatives would reduce farmland conversion (See the Fresno to Bakersfield Draft EIR/EIS at pages 3.18-26; the point is equally applicable to the Merced to Fresno Draft EIR/EIS). This approach contravenes both CEQA and NEPA, both of which require a stable project description to ensure thorough and consistent analysis of impacts and comparison of alternatives.

¹ For example, the Draft EIR/EIS analysis of impacts associated with Regional Growth incorrectly relies on a methodology for modeling job and other growth that assumes a fully functioning HST system in place and “scales” benefits based on that system based either on the statewide system described in the 2005 programmatic EIR/EIS or on the Bay Area to Central Valley system, or on some combination of both. This approach is incorrect on its face and in no way represents the impacts or benefits of the proposed project alternatives, but according to the Draft EIR/EIS, “The analytical process to estimate the growth inducement of the HST system for the Bay Area to Central Valley Program EIR/EIS required significant modeling tools and data. The following key steps summarize the process: Define transportation investments. The future baseline conditions of the No Project Alternative and the economic modeling process was used to forecast the incremental changes associated with the HST system. Estimate transportation benefits. Using results from the California Statewide High-Speed Rail Travel Demand Model, benefits such as reduced travel times and/or costs of the HST system for air, highway, and conventional rail trips were estimated using travel demand model results. Congestion, pollution, crash reduction benefits and accessibility benefits were directly estimated using travel demand model results for the HST system in comparison with the No Project Alternative. Mode shift benefits arising from the introduction of HST service were estimated by scaling benefits calculated for the statewide program EIR/EIS using HST ridership and other output from the travel demand model. (Authority 2003, Appendix F; Fresno to Bakersfield Draft EIR/EIS at pages 3.18-7 to 8). Again, while the citation is to the Fresno to Bakersfield Draft EIR/EIS, the point is equally applicable to the Draft EIR/EIS for the proposed Merced to Fresno section.

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Beyond this fundamental problem with the project description, the Draft EIR/EIS also makes it difficult to find a coherent, complete and consistent project description. Moreover, the Draft EIR/EIS fails to delineate all of the characteristics of the alternatives for the Merced to Fresno section. Major elements of the project are not described and those elements that are described are not described in sufficient detail to support analysis of all project-related impacts. Significant questions remain about what the Authority proposes as the whole "project" subject to analysis in this Draft EIR/EIS; those questions include but are not limited to the following questions, all of which must be answered in detail in the Authority's response to our comments, or in a "Revised" Draft EIR/EIS:

- Are the respective Merced to Fresno and Fresno to Bakersfield "projects" limited to the segments between Merced and Fresno and Fresno and Bakersfield, respectively, including the trains (rolling stock), tracks, grade separated right-of-way, stations, train control, power systems, and maintenance facilities? If so, what type of train will be using the track? The DEIR/S's provide inconsistent representations concerning the type of train.
- What is the alignment and therefore what will be the ultimate impacts? According to the diagrams in the Draft EIR/EIS, the alignments all constitute "Preliminary Draft/Subject to Change – HST Alignment is Not Determined. When will the proposed alignment be determined? When it is, it will be appropriate to complete "project-specific" Draft EIR/EIS documents and recirculate them for public and agency review and comment.
- When will a train selection be made and when will trains be operating on the tracks? Could those trains be Amtrak type trains for some period of time? Could they be freight trains or trains that accommodate both freight and passengers?
- How many train trips and trips per hour of the day/day of the week/holiday period (by hourly period) will be made?
- What happens if one or both Central Valley sections are only partially completed (e.g. what if portion of tracks constructed in the Central Valley only will not be connected to major population centers in the Bay Area and in the Metro LA area for an extended period of time? When will the whole system be completed? Where is the funding coming from for system completion? Clearly, the impacts of the proposed construction in the Central Valley will be dramatically different if the project remains tracks only in the Valley between Fresno and Bakersfield and/or to Merced for a long and undetermined period of time. This is a scenario that must be analyzed in a revised and recirculated Draft EIR/EIS.

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- For which categories of impact analyses (e.g., air quality, transportation, etc.) is the proposed project considered to be the "HST System," as described in the 2005 Programmatic EIR/EIS? In responses to these comments, or in a "Revised" Draft EIR/EIS, please describe the "project description" basis for any and all assumptions including but not limited to reductions in GHG, air quality benefits, VMT reductions, regional economic and job growth benefits, cumulative impacts, etc. In addition, if HST system wide assumptions were used to derive Central Valley "project" benefits (e.g., for greenhouse gas emission reductions), describe why that is appropriate when there is no certainty that the HST system will be completed or completed in a timely manner.

It appears that many of the project-specific and cumulative impacts are based on the assumed completion of the whole project as described in the 2005 Final Programmatic EIR/EIS (e.g. air quality benefits, GHG reductions, regional economic and job growth benefits, reductions in VMT and air travel, etc.). Yet, there is no evidence that these "project" impacts are based on a "project" that is anything more than tracks and possibly station planning. To be legally adequate, the Draft EIR/EIS must be revised to include clear descriptions of the proposed project and project alternatives. In addition, because funding is not assured for the remainder of the system and because funding is possibly not even available to ensure that there will be operating trains on the proposed tracks, the Authority must prepare and recirculate a "Revised" Draft EIR/EIS provides an analysis of various scenarios, including, but not limited to the following:

- Tracks only between Fresno and Bakersfield/Tracks only between Merced and Fresno.
- Tracks plus (fill in number and type) of train operations for both segments.
- Tracks plus other funded system elements (e.g. stations, and if so where?). Maintenance yards? Other?)
- Partial project completion (should be based on what funding is currently available and/or an approved "Business Plan").

In summary, the Draft EIR/EIS does not contain a unified, complete, and stable project description, and the various inconsistent and unfocused project descriptions contained in the document make the Draft EIR/EIS not only confusing, but also legally inadequate. There is no evidence that the full HST System "project" will be built, yet this seems to be assumed for purposes of analyzing the project-specific impacts of both the Merced to Fresno and the Fresno to Bakersfield sections. Further, the Draft EIR/EIS fails to analyze the numerous impacts that would occur if the Central Valley sections were only partially completed, which will likely be the case, given the lack of necessary funding at either the state or federal level, coupled with a gross underestimation of the costs needed to assemble property; to make

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landowners and businesses whole; and to relocate major private facilities, among other things. To be legally adequate, the Draft EIR/EIS must describe what impacts to traffic and transportation, parks, infrastructure, land use, jobs/housing balance, general plan consistency, air quality, finances, aesthetics, vehicle miles traveled (and all other impacts) that would occur if the Merced to Fresno section is only partially completed.

6. **The Project Description Is Incomplete.** A somewhat related but different point is that the "project" description contained in the Draft EIR/EIS is incomplete. Where infrastructure improvements are integral to, and planned in conjunction with a proposed project, those facilities must be considered as *part* of the proposed project and their impacts must be analyzed together with the proposed project's other impacts. For example, where a residential development requires construction or expansion of roads or sewer plants, construction of those expanded or new facilities must be analyzed along with the project. See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214. Here, the proposed project will require numerous infrastructure components, but the Draft EIR/EIS fails to analyze all the impacts of constructing the proposed project components. It is irrelevant that the infrastructure improvements may require separate, later approvals. See *CEQA Guidelines* Section 15378(c).

The Draft EIR/EIS defers the description of, and the analysis of the impacts of, numerous essential infrastructure components of the proposed project, including but not limited to:

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- **Power sources and power lines.** According to the Draft EIR/EIS, "The project would not include the construction of a separate power source, although it would include the extension of power lines to a series of power substations positioned along the HST corridor. These new substations are needed to even out the power feed to the train system" (Fresno to Bakersfield Draft EIR/EIS at page 2-12; while the Fresno to Bakersfield Draft EIR/EIS is cited, the point applies equally to the Merced to Fresno Draft EIR/EIS). In the section on regional growth, it is observed that HST-induced growth could require the development of more incremental energy production and/or transmission capacity, particularly in Fresno, Kings, Tulare and Fresno counties, compared to the No Project Alternative. Yet, there is no description of these power sources and power line, even though they are part of the proposed project/and integral to project function. The Authority must redraft and recirculate its Draft EIR/EIS to provide this information, and to analyze all impacts associated with this project-related infrastructure.
- **Source of Power.** The Draft EIR/EIS states that the HST will use less than 1% of the state's future electricity consumption, and that by paying a premium for the electricity consumed, it could be powered by 100% clean, renewable energy sources (See the Draft EIR/EIS at page 2-12). The Authority must

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describe the source(s) of power for the proposed project and analyze the project-specific and cumulative impacts associated with development of any additional power, including renewable energy sources, needed for the proposed project plus cumulative demand.

668-16

- **Number and type of Trains.** It is not clear from the Draft EIR/EIS whether there will be train service on these tracks. In responses to these comments, the Authority must describe and analyze in detail the proposed train service, including type of train, train service – stops; intervals; etc. Furthermore, the impacts of that proposed train service must also be analyzed.

- **Drainage Ditches, Wells, and Water-Related Facilities** The Draft EIR/EIS makes clear that the proposed project will require the relocation/construction of an unknown numbers of existing drainage channels and ditches, drains, sumps, wells and other water related systems and facilities. These new or replacement facilities and systems are part of the proposed project and therefore must not only be described in a revised project description, but also must be analyzed for their short-term construction related impacts and long term impacts on ground and surface water, water quality and flows, habitat and species, as well as other impacts.

668-17

- **Closed, Blocked and Relocated Roads, and Over and Underpasses.** The Draft EIR/EIS makes it clear that the proposed project will require the closure and relocation of unknown numbers of roads, as well as the construction of substantial numbers of new under and overpasses. CCHSRA has already mentioned this impact in our separate letter addressed to issues relating to the City of Fresno. The problem is not limited to Fresno, however. The impacts associated with both the closure and blockage of existing roads (including farm roads) as well as the construction of new roads, and over and underpasses, must not only be described in a revised project description, but also analyzed for their short term and long-term impacts on transportation, ground and surface water, water quality and flows, habitat and species, agricultural land and agricultural production, air quality, greenhouse gas emissions, vehicle miles traveled, roadway congestion and other impacts.

668-18

7. **The Draft EIR/EIS Fails To Describe A Project Consistent With Proposition 1A.** Proposition 1A was adopted by the people of the State of California at the general election held on November 4, 2008. That Proposition, as adopted by the people, is now codified in Section 9, Chapter 20, commencing with Section 17041 of the *Streets and Highways Code*. The Proposition clearly defines the proposed statewide HST system, which is the overall "project" of which any specific section, including the proposed Merced to Fresno section, is only a part. Funding is available for construction under the Proposition only when that construction is for a "usable segment" of one of the corridors defined in Proposition 1A. The term "usable segment" is itself defined in *Streets and Highways Code* Section 2704.01 (g). In addition to a requirement that any construction of a part of the overall project

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be upon a "usable segment" of the full system, the segment or section must be, when construction is completed, "suitable and ready for high-speed train operation" (*Streets and Highways Code* Section 2704.08(d). The Draft EIR/EIS for the Merced to Fresno connection does not, in its project description sections, or in any other part of the Draft EIR/EIS, demonstrate that the requirements of Proposition 1A can or will be met by the construction proposed and analyzed in the Draft EIR/EIS. CCHSRA poses these specific questions: on what basis can the Merced to Fresno or the Fresno to Bakersfield sections be held to comply with the "usable segment" requirement contained in Proposition 1A? Further, how does construction of these proposed sections comply with the requirement that the sections, after construction, be "suitable and ready for high-speed train service?"

8. **Essential Information Concerning the Project Setting Is Not Included.** A thorough description of the environmental setting is essential to an analysis of impacts. Here, the Draft EIR/EIS lack even basic information concerning the project setting necessary for an adequate evaluation of project-specific impacts. Examples of information missing from the Draft EIR/EIS includes, but is not limited to the following:

668-19

- The existing vehicle mix and vehicle miles traveled for agricultural operations that would be severed and interrupted by the proposed project alignments and associated facilities must be included. Without this information, it is not possible to support the conclusion that VMT will actually be reduced by the proposed HST project alternatives.

668-20

- Existing utilities (e.g., pipelines, sumps, pumps, wells, drainage systems, etc.) and facilities on agricultural lands that would be severed and interrupted by the proposed project alignments and related facilities must be specified.

668-21

- Essential information concerning biological resources is missing. For example, field studies were only completed for a portion of the study area for impacts.

668-22

- Information about housing and rental prices in the respective study areas must be included in the Draft EIR/EIS.

This and other information about the project setting must be provided in a redrafted and recirculated Draft EIR/EIS, to allow an adequate opportunity for public review and comment, and to support an adequate impact analysis.

668-23

9. **The Draft EIR/EIS Lacks Appropriate Thresholds of Significance.** Determining whether a project may result in a significant adverse environmental effect is a key requirement of both CEQA and NEPA. According to CEQA Guidelines Section 15064(a), a determination of significant effects "plays a critical role in the CEQA process." Guidelines Section 1502.16 provides that an EIR must describe direct and indirect effects and their significance. CEQA specifically anticipates that agencies

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will use thresholds of significance as an analytical tool for judging the significance of the impacts of a proposed project (See CEQA Guidelines Section 15064.7). Because a requirement to provide mitigation is triggered by the identification of a significant impact, the failure of the Draft EIR/EIS to identify all of the significant impacts of the proposed project also results in a failure properly to mitigate these impacts. This is the case in numerous impact areas, including but not limited to agriculture, transportation, air quality, and greenhouse gas emissions.

The Authority must revise and recirculate a Draft EIR/EIS which will use modified significance criteria truly to gauge the benefits and impacts of the proposed project and alternatives. A proper set of proven criteria would assess the respective impacts of the proposed project and reasonably feasible alternatives on farm animals and livestock, vehicle miles traveled, impacts to disadvantaged communities, and the like. Absent adequate thresholds of significance, the impact analyses and the proposed mitigations contained in the Draft EIR/EIS cannot be complete or adequate. General Plans for the jurisdictions in the study area should be used as a source of additional thresholds, in addition to other applicable policies, plans and regulations.

668-24

10. **Socioeconomic and Environmental Justice Impacts.** The Draft EIR/EIS analysis of socioeconomic and environmental justice impacts is defective for numerous reasons, including the lack of evidence to support key conclusions concerning project benefits. The Draft EIR/EIS is premised on an assessment of benefits on a regional scale, whereas potentially adverse impacts associated with the project were evaluated at the community or neighborhood level. (The Fresno to Bakersfield Draft EIR/EIS addresses this issue at page 3.12-4; the point is equally applicable to the Merced to Fresno Draft EIR/EIS). A thorough review suggests that project benefits were derived from applying the benefits of the completed HST system to the region and that project impacts were NOT evaluated on a property specific basis. In addition, significant communities impacted by the project have no access to materials in their language (including specifically the full version of the Draft EIR/EIS); nor were such communities adequately consulted. In fact, outreach to these and other impacted individuals and businesses has been deferred until after project approval, which is contrary to the requirements of CEQA and NEPA.

668-25

Statements in the Draft EIR/EIS concerning the purported regional project benefits are included in the document without any significant factual foundation or evidence in the record, and the presumed benefits of the proposed project are improperly based on the overall HST system being in place, though there is no guarantee that it will ever be constructed, and on other unsupported assumptions related to the overall HST system. Such assumptions include but are not limited to pre-economic downturn assumptions concerning the cost of HST travel, unproven and high ridership numbers (particularly for the Central Valley), and assumptions about the cost, timing and feasibility of the completion of connections between the Central Valley tracks and the rest of the state system.

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If CCHSRA has missed supporting evidence found in the voluminous materials that comprise the Draft EIR/EIS, please summarize such evidence for us, and advise us, in the Authority's response to these comments, or in any revised Draft EIR/EIS produced by the Authority, where in the record there is any supporting evidence for the various statements of benefits advanced within the Draft EIR/EIS.

668-26

11. As a final comment to this Draft EIR/EIS, a series of CA HSRA Progress Reports for the years 2009, 2010, and 2011 have been submitted with CCHSRA comments on the Draft EIR/EIS for the Fresno to Bakersfield section. To reduce unnecessary duplicate filings of what are voluminous materials, we do not also submit them here, but incorporate by reference the following exhibits filed with our comments on the Fresno to Bakersfield Draft EIR/EIS:

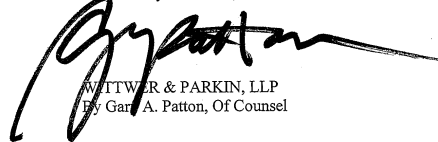
- Exhibit E to that Draft EIR/EIS includes CA HSRA Project Reports for the Year 2009 – January to December
- Exhibit F to that Draft EIR/EIS includes CA HSRA Project Reports for the Year 2010 – January to December
- Exhibit G to that Draft EIR/EIS includes CA HSRA Project Reports for the Year 2011 – January to July.

These materials demonstrate the prematurity of the current Draft EIR/EIS, and otherwise help document and substantiate the comments made herein.

Conclusion

Thank you for taking our comments seriously. We will look forward to making additional comments on a revised and recirculated EIR/EIS for the Merced to Fresno section of the proposed high-speed train project. As stated in this letter, both CEQA and NEPA require such additional review and public comment.

Respectfully submitted,



WITTWER & PARKIN, LLP
By Gary A. Patton, Of Counsel

cc: Governor Jerry Brown
Members, California State Legislature
City of Fresno
CCHSRA

EXHIBIT A

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

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OF COUNSEL
Gary A. Patton

September 14, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Extension of Comment Period for Merced to Fresno
And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

This letter is submitted on behalf of Citizens For California High-Speed Rail Accountability (CCHSRA), a group of concerned residents, farmers, business people, and landowners who are concerned that the currently proposed high speed train project will have significant negative impacts throughout the state, and particularly on agricultural operations in the proposed Fresno to Bakersfield segment.

On behalf of CCHSRA, I am requesting that your Board take immediate action to provide an adequate comment period for the above-noted environmental review documents. Specifically, we urge the Authority to extend the time to comment on these two EIR/EIS documents until mid February, 2012, thus providing members of the public and those directly affected by the proposed project with at least 6 months to respond and provide comments on the two Draft EIR/EIS documents released by the Authority on August 9, 2011.

Attached is a copy of a letter making an identical request for the Fresno to Bakersfield EIR/EIS, submitted to you by the Griswold LaSalle law firm on behalf of the J.G. Boswell Company. We join in their request, and incorporate their arguments here, and we note that the need for and the justification for a six-month review period applies equally to *both* of the Draft EIR/EIS documents currently open for comment.

In fact, since this is a statewide project, which the Authority has chosen to design and review in segments, a competent and truly responsive set of comments on the impacts that will be created on any particular segment must take into account the impacts of the proposed project on other segments. This means that the CCHSRA must do more than review the 17,000 pages of the Draft EIR/EIS for the Fresno to Bakersfield segment that is of primary importance to CCHSRA and its members. CCHSRA's comments on the Bakersfield to Fresno Draft document must also take into account the contents of the Merced to Fresno Draft EIR/EIS, and the previously-certified statewide programmatic EIR/EIS. In short, the Griswold LaSalle letter is conservative in stating that members of the public are being asked to review 17,000 pages of

technical material, and to provide comments, all within a 60-day period. In fact, the volume of material that must be reviewed is probably close to three times that amount.

When the draft EIR/EIS documents were first released for public comment, CCHSRA promptly requested the Authority to provide a 90-day opportunity to comment on the Fresno to Bakersfield Draft EIR/EIS. The Authority did not honor that request. Without responding directly to CCHSRA, the Authority staff *did* revise the initial 45-day comment period announced upon release of the two Draft EIR/EIS documents, and added 15 days to the comment period for these documents, establishing the current 60-day comment opportunity. As the attached letter so convincingly demonstrates, a 60-day comment period is grossly inadequate. CEQA, and the CEQA Guidelines, and basic due process, require a much more extensive comment period.

CCHSRA and its members can attest that this due process problem is not merely "theoretical." Currently, CCHSRA and its members are working as diligently as they possibly can to review the 17,000-page Draft EIR/EIS for the Fresno to Bakersfield segment, and to relate this document to the Draft EIR/EIS for the Merced to Fresno segment and to the statewide Programmatic EIR. While the CCHSRA and its members are able to identify concerns and impacts that the proposed project will have on an area they know well, they are finding it incredibly difficult to prepare well-researched and substantiated comments on the Draft EIR/EIS documents, in view of the massive nature of the documents they are being asked to review and the very short comment period currently provided. This is particularly true since this is a time when many of the farmers most directly affected by the proposed plan in the Fresno to Bakersfield segment are preparing for an upcoming harvest. This makes it even more difficult to find any time to read, absorb, and then respond to the voluminous EIR/EIS documents.

A 60-day comment period does not provide the public with an "adequate" time to comment, and the failure of the Authority to provide an adequate time to comment undermines the integrity of the current environmental review procedure. This means that the residents, business persons, and landowners most directly affected by the proposed project are being denied an elemental due process opportunity to "be heard" before the government takes actions that could, in many cases, put working farms and dairies out of business along the proposed Fresno to Bakersfield segment.

Having an adequate opportunity to provide comments is of such great importance to CCHSRA and its members that CCHSRA was in the process of organizing its members to attend the scheduled September 22, 2011 Authority Board meeting, to make a personal appeal to the Authority Board to extend the current comment period, as we request in this letter. References to that scheduled September 22, 2011 Board meeting were posted on the Authority's website as late as Sunday, September 11th, but the September 22nd meeting was then apparently "cancelled," and all references to the meeting were removed from the Authority's website, by Tuesday, September 13th.

Because there is no regular Board meeting scheduled prior to the current comment deadline on October 13th, we request that Authority immediately schedule a special meeting of the Board directly to address this pressing request for a six-month review period.

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

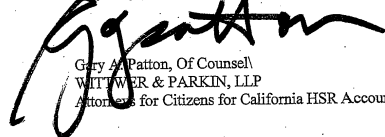
As CEQA provides, at Public Resources Code Section 21005 (a):

The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

The information in the comments that CCHSRA and its members want to supply through their comments is absolutely "relevant information." We urge the Authority to take seriously its responsibility to make sure that such relevant information about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high-speed train project in the Central Valley, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution. Unless it is extended, the Authority will not receive all the relevant information it needs to know about, before making a decision on the largest public works project ever proposed in the State of California.

In conclusion, we ask the Authority for a six-month period to comment on environmental review documents. Failure to provide an adequate comment period is a violation of both the law and due process.

Very truly yours,



Gary A. Patton, Of Counsel
WITTWER & PARKIN, LLP
Attorneys for Citizens for California HSR Accountability

cc: Governor Jerry Brown
Members and Supporters, CCHSRA
Members, California State Legislature
Kings County Board of Supervisors
City Officials in Kings County
J.G. Boswell Company
Other Interested Persons

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Michael E. LaSalle
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September 8, 2011

VIA UPS NEXT DAY AIR SAVER
TRACKING NO. 1Z F74 78R 13 9995 0584

Board of Directors
CALIFORNIA HIGH SPEED RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Extension of Draft EIR/EIS Comment Period - Fresno to Bakersfield HSR
SCH # 2009091126

Dear Chairman and Members of the Board:

This letter is submitted on behalf of J.G. Boswell Company. The purpose of this letter is to request an extension of the comment period on the above Draft EIR/EIS for at least 6 months, through mid-February 2012.

The existing comment period is grossly inadequate and denies due process to those seeking to comment on the EIR/EIS. The initial 45 day comment period, later extended only 15 additional days to October 13, 2011, is plainly insufficient to allow any meaningful comment on 17,000 pages of documents.¹ See Appendix A for list of documents and page lengths. The 17,000 page total does not include any documents for the Merced to Fresno segment (SCH # 2009091125), which would bring the total to over 30,000.

The EIR/EIS is not user friendly. For example, Chapter 10 of the EIR/EIS lists 831 sources that are referenced in the report. In instances noted so far, these sources are referenced without internal citations, requiring the reviewer/commenter to obtain the document, review it, and make a judgment as to which part was intended to support the citation in the EIR/EIS. This lack of

¹It also appears the EIR/EIS and supporting documents are available in English only.

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

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RAIL AUTHORITY
September 8, 2011
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specific citations makes it difficult to determine whether a statement made in the EIR/EIS is supported by substantial evidence.

Due to the requirements of CEQA,² meaningful public comment is the key phase of the CEQA public review process. The CEQA process becomes a sham without it, and results in a denial of due process.

In 2004 the Authority released the Draft Program EIR/EIS for the Proposed California High-Speed Train System (SCH #2001042045). The State Clearinghouse set a review period of February 13, 2004 to August 31, 2004, or 6 1/2 months, for this Program EIR/EIS. It neither makes sense, nor is there any good reason, why the review period for the Program EIR/EIS was more than 6 1/2 months while the review period for the much more detailed Project specific EIR/EIS is only 2 months.

In view of the above, we believe that at least a 180 day comment period is required, ending mid-February 2012 as measured from August 15, 2011. This matter requires Board, rather than administrative, attention, and, accordingly, we request this matter be placed on the agenda for a special meeting at the Board's earliest convenience. As the Board's next regularly scheduled meeting is not until September 22, 2011, the urgency of this issue demands it be dealt with before then.

We understand that the EIR/EIS was released on August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 day period is the minimum under CEQA Guidelines § 15105(a). This time period makes no allowance for the unparalleled scope of the project.

At the August 25, 2011 Board meeting, a petition signed by about 300 Kings County residents was submitted by Hanford-area farmer Frank Oliveira on behalf of the Citizens for California High-Speed Rail Accountability (CCHSRA). These citizens asked for a 45 day extension, making for a total of a 90 day review and comment period. The request was not on the Board's meeting agenda, but staff did grant an additional 15 days to the original 45 day comment period for a total of 60 days. The comment period now ends October 13, 2011 which corresponds to the end date of the State Clearinghouse (SCH) review period.

²All statutory references to CEQA are to Public Resources Code §§ 21000 et. seq. CEQA's implementing regulations are known as the "CEQA Guidelines" and are set forth at 14 Cal. Code Regs. §§ 15000 et seq., and are referred to as "CEQA Guidelines § ____" or as "Guidelines § ____."

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The High Speed Rail (HSR) project is the largest and most expensive infrastructure project in the history of the State of California and even its component parts -- the Fresno to Bakersfield segment, or the Merced to Fresno segment, -- could fairly be estimated to be the largest infrastructure projects in State history, and certainly in the history of the San Joaquin Valley.

As stated above, the EIR/EIS for the Fresno to Bakersfield segment, select supporting documents, and technical data available at the Fresno-Bakersfield EIR/EIS web page consist of 17,000 pages (See Appendix A). Not all the documents referenced in the EIR/EIS are available at that web page. If one includes the EIR/EIS and related documents for the Merced to Fresno segment, the total pages to be reviewed approaches 30,000 or more. The sheer volume of material necessitates a significant extension of the review and comment period. Two basic reasons support the extension; these reasons are explained below.

I. THE SIXTY DAY REVIEW PERIOD FAILS TO MEET CEQA REQUIREMENTS BECAUSE IT FAILS TO PROVIDE AN "ADEQUATE TIME" TO REVIEW THE MASS OF MATERIAL ONLY LATELY RELEASED FOR PUBLIC REVIEW AND COMMENT.

CEQA Guidelines § 15203 states:

"The lead agency shall provide adequate time for other public agencies and members of the public to review and comment on the draft EIR or negative declaration that it has prepared." (Emphasis added.)

Adequate time is required not only because "Public participation is an essential part of the CEQA process" (CEQA Guidelines § 15201), but because the Legislature has declared that the purposes of the review period include:

- (a) Sharing expertise;
- (b) Disclosing agency analysis;
- (c) Checking for accuracy;
- (d) Detecting omissions;
- (e) Discovering public concerns; and
- (f) Soliciting counter proposals.

CEQA Guidelines § 15200.

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The Legislature has declared:

"The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." Pub. Res. Code § 21000(a).

And:

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

There can be no question that CEQA and the CEQA Guidelines were developed to allow the public every possible opportunity to meaningfully participate in the EIR/EIS process.

Given the mere 60 day review period, none of the purposes of EIR/EIS review and comment can be served, for the following two major reasons:

1. The time for review that the Authority has chosen does not allow the public "adequate time" for public review and comment, as required by CEQA Guidelines § 15203. To examine some 17,000 pages within 60 days requires a person to read 283 pages per day and no time to prepare responsive comments. The initial review period of 45 days was simply more egregious and required 378 pages per day to be read.

In comparison, a 45 day EIR review and comment period was recently used for an ordinance by the City of Sunnyvale to prohibit single use plastic bags at grocery stores. (See City of Sunnyvale Single-Use Carryout Bag Ordinance Draft EIR, SCH #2011062032 August 2011). That EIR consisted of 210 pages which amounts to reviewing 4.6 pages per day. The High Speed Rail Authority (Authority) expects 61 times more effort per day just to read the mass of CEQA documentation for the Fresno to Bakersfield HSR project.³ Such an expectation is unrealistic, unfair, and does not meet the requirement of CEQA to have adequate review period. At the "plastic bag ordinance" rate of 5 pages per day, the review period for the 16,953 pages of the Fresno-Bakersfield HSR EIR/EIS would be 3,391 days or about 9.3 years (16,953 pages x day/5 pages = 3,391 days x 1 year/365 days = 9.289 years).

These simple metrics, of course, in no way imply that the Fresno-Bakersfield HSR project is in any way comparable to Sunnyvale's plastic bag ordinance project. The former is an infinitely

³Also this does not include the EIR/EIS for the Merced-Fresno segment.

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more complex project proposing vast, irreversible commitments of public and private resources on the largest scale in the history of the San Joaquin Valley.

Persons who wish to comment and share their expertise, provide analysis, check for accuracy, voice their concerns, and prepare counter proposals will never be able to do so because they will never be able to review all the documents and comment in a mere 60 days.

2. While the regulations typically allow for a 45 to 60 day comment period, the regulations also allow that time to be exceeded, without the need to otherwise stop the project, in "unusual circumstances." CEQA Guidelines § 15105(a). The HSR certainly qualifies as an unusual circumstance. In no way can the HSR project be compared to other projects in the history of the State of California and the San Joaquin Valley. Therefore, the 60 day period must be extended.

The Legislature has declared:

"... it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration [under CEQA] as that of private projects required to be approved by public agencies." Pub. Res. Code § 21001.1.

A private company would never be allowed to undertake a project of this magnitude and be subject to a mere 60 day review period. Given the scope of the project, it is difficult to imagine that there could be a more "unusual circumstance" that would allow the typical comment period to be extended.

The "unusual circumstances" provision of CEQA Guidelines § 15105(a) gives the lead agency the necessary flexibility to set the comment period consistent with the meaningful public participation and due process goals of CEQA. This flexibility eliminates the absurdity of a "one size fits all" rule which would provide equal 45 day review and comment periods to the Sunnyvale plastic bag ordinance and the Fresno to Bakersfield HSR project. Nor must we omit that the review and comment period for the Merced to Fresno Draft EIR/EIS runs concurrently, compounding the insufficiency of the allotted time.

The Legislature has also declared that it is the policy of the state that:

"Documents prepared pursuant to [EIR requirements] be organized and in a manner that will be meaningful and useful to decisionmakers and to the public." CEQA Guidelines § 21003.

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Given the sheer volume of the documentation, in order to make the documents "meaningful and useful" there must be adequate time to review them. With only 60 days, neither the decisionmakers nor the public can make the determination of whether the EIR/EIS documents satisfy that criteria because there is insufficient time to so do.

The Authority claims transparency in its proceedings but this claim rings hollow at this crucial juncture. The Authority's "Environmental Review Fact Sheet" states:

"The California High-Speed Rail Authority (CHSRA) and the Federal Railroad Administration (FRA) are the state and federal agencies responsible for the environmental review of the state's high-speed train system, and together they have implemented a more transparent, collaborative and inclusive approach to the EIR/EIS process than is typical or required, with state and local planning agencies, local communities and the general public integrated into the entire process." (Emphasis added.)

This statement is not true as to meaningful public participation and satisfaction of due process. The key point in the CEQA process is at hand and the 60 days allotted to review and comment on 17,000 pages of material for the Fresno to Bakersfield segment stacks the deck against the commenting parties. The point is exacerbated when the additional thousands of pages for the Merced to Fresno EIR/EIS are added.

II. THE SIXTY DAY REVIEW PERIOD DENIES DUE PROCESS TO INTERESTED PARTIES DUE TO THE LENGTH AND COMPLEXITY OF THE ENVIRONMENTAL DOCUMENTS FOR THE FRESNO-BAKERSFIELD HSR.

Any review period less than six months raises serious constitutional issues. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review 17,000 pages of documents associated with the Fresno to Bakersfield EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature has allowed the public to participate in the CEQA process as a participant and not just a spectator. By bombarding the public with documents without any hope for a complete review, the Authority has put the public on the sidelines, and due process will be violated should there be no extension.

Rights granted by CEQA must allow the public to have a meaningful review because the Legislature has recognized that "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

CEQA was enacted in 1970 and provides a detailed process for public review. It is a "powerful tool for citizen action and government accountability." Note, The Timber Harvest Plan

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Exemption from the California Environmental Quality Act: Due Process and Statutory Intent, 41 Hastings L.J. 727, 730 (1990). In fact, the purpose of the EIR/EIS is:

"... to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061.

Courts have called the EIR/EIS an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return." *Santiago County Water District v. County of Orange*, 118 Cal.App.3d 818, 822 (1981). To accomplish this purpose, CEQA statutes and regulations require that the public be made part of the process, including:

- Comments be accepted by the public at anytime during the EIR/EIS process (Pub. Res. Code § 21003.1(a));
- The lead agency must respond, in writing, to all comments received during the comment period (Pub. Res. Code § 21004);
- Relevant information should be made available as soon as possible to the public (Pub. Res. Code § 21003.1(b));
- Notice must be given to all those who have requested such when the draft EIR/EIS is complete (Pub. Res. Code § 21092);
- Draft EIR/EIS documents should be made available in local libraries (CEQA Guidelines § 15087(g));⁴
- The Public agency must publish notice in a paper of general circulation in the area of the proposed project (CEQA Guidelines § 15087(a));
- Public hearings on the documents are encouraged (CEQA Guidelines § 15087(i)); and

⁴Note that the Technical Appendices to the EIR/EIS, listed as nos. 4-43 on Appendix A, were not made available at local libraries. This is important because the appendices are referenced throughout the EIR/EIS.

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- An adequate public review period is required and can be extended in unusual circumstances (CEQA Guidelines § 15105) (emphasis added).

CEQA regulations take public participation so seriously that the process provides grounds upon which judicial review of the project may be obtained. CEQA Guidelines § 15112.

Because public review and participation is expressly granted by statute and regulation, any review period less than six months raises serious constitutional issues under the circumstances. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review some 17,000 pages of documents associated with the EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature intends for the public to participate in the CEQA process in a meaningful way; in this case, requiring sufficient and adequate time for review. By releasing to the public a large quantity of documents without any hope for a complete much less a meaningful review, the Authority has made the public a spectator, and due process will be violated should there be no significant extension of time to review and comment on the documents.

1. State Constitutional Issues

The CEQA statutes and regulations, as applied, violate California Due Process requirements because the Authority has failed to provide adequate time for EIR/EIS review. In order to remedy the as applied violation, sufficient time to review the EIR/EIS must be granted.

Due process safeguards in this context are analyzed with the principle in mind that all should be free from arbitrary adjudicative procedures. *People v. Ramirez*, 25 Cal.3d 260, 268 (1979). A fundamental concept of due process is "the right to a reasoned explanation of government conduct that is contrary to the expectations the government has created by conferring a special status upon an individual." *Id.* at 276. Here, CEQA statutes and regulations confer a special status on the public by requiring meaningful review; yet the Authority has taken away that right by imposing an unreasonable review period, and providing no explanation therefor.

To determine the level of due process required, courts examine:

1. The private interest that will be affected by the official action;
2. The risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;
3. The dignitary interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible governmental official; and

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4. The governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 269.

The private interest here is compelling; CEQA statutes and regulations mandate that the public be allowed meaningful and adequate review of the EIR/EIS. In this respect, the Legislature has already determined that the public has a significant interest in proper review.

The risk that the private interest will be erroneously deprived is high; in fact it is happening. Although the regulations allow the Authority to declare the most expensive and expensive infrastructure project in the history of California an "unusual circumstance" and provide additional time for public review and comment, the Authority has (so far) failed to do so and without any explanation. In addition, as the Authority is well aware, the review period ends the time that individuals may comment and preserve issues that must be on the record for judicial review. By completing the review period before it is possible for stakeholders to read the documents and provide comments, the Authority is also precluding meaningful review following the final EIR/EIS being issued. Rigid adherence to the 45 or 60 day periods mentioned in Guidelines § 15105(a) therefore guarantees denial of due process for projects of the scope of this EIR/EIS.

The dignity interest weighs heavily in favor of an extension of time. It is inconceivable that the public could be charged with reading and commenting on the EIR/EIS, only to find out that it is impossible to do so because there is insufficient time to read the documents in this case.

Finally, the governmental interest in providing additional time is identical to the private interests. The Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant interest in ensuring that its own statutes and regulations are followed, especially when no fiscal or administrative burdens are involved beyond the passage of time.

As the Federal Railroad Administration is the lead Federal agency designated on the HSR project, the purpose and requirements of the National Environmental Policy Act (NEPA) are also at issue. The purpose of NEPA review corresponds to CEQA review. Congress has declared, "... it is the continuing policy of the federal Government, ... in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." (42 U.S.C. § 4331). Therefore the purposes of NEPA also support the extension requested herein.

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2. Federal Constitutional Issues

Due process under the federal constitution requires that an entitlement exist under state law. There can be no question that the Legislature has entitled the public to a meaningful and adequate review of the EIR/EIS documents through the CEQA statutes and regulations. It is merely a question of what process is due.

Pursuant to Mathews v. Eldridge, 424 U.S. 319 (1976), to determine what process is due, the state should look at the private interests involved, the risk of an erroneous deprivation and value of additional safeguards, as well as the governmental interest.

Again, the public's interest is high; the public is entitled to a proper review under CEQA but such a review cannot be met in such a short and arbitrary time frame currently established by the Authority. Denial of that proper review, in turn, prejudices the rights of potential litigants who are subject to the exhaustion doctrine. Denial of adequate, proper, and meaningful review stacks the deck in favor of the project proponent, who here is also the reviewing agency. This conflict of interest between the duty of full, objective CEQA review and support of the HSR project is clearly brought out by the denial of a meaningful adequate public review and comment period.

The risk that rights may be erroneously deprived is high. By the Authority arbitrarily setting the review period in this circumstance such that it is impossible for the public to respond, a deprivation is not only possible, but is a certainty where no due process was given in setting the initial review period. As the Authority knows, EIR/EIS challenges must be made on comments lodged during the review period. What the Authority has done is present to the public a large volume of documents such that there is no possibility for all necessary comments to be included in the record, effectively precluding a proper legal challenge to the EIR/EIS documents following a finalization of those documents, and denying access to the courts.

Finally, the governmental interest, as under the state due process requirements, is in concurrence with the private interest. Again, the Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant legitimacy interest in ensuring that its own statutes are followed, especially when no fiscal or administrative burdens are involved.

Here, there has been no due process as to the setting of this review period. The setting of this review period for the same length for a local ordinance reflecting plastic bag usage, without an explanation or an opportunity to be heard and challenge the determination, violates the Fourteenth Amendment of the United States Constitution, as well as the California Constitution. As has been said many times, the fundamental requisite of due process of law is the opportunity to be heard, and

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that right has little reality or worth unless the public is informed and can choose for itself whether to participate. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). In this case, the public cannot know, and can never know under the limited review period what position and comments it should make relating to the EIR/EIS, had it been afforded an adequate review period.

"Due process is flexible and calls for such procedural protections as the particular situation demands." Mathews v. Eldridge, 424 U.S. 319, 334. In this situation, due process calls for a reasonable number of days to review the EIR/EIS and supporting documents. We ask for at least a 180 day review period, for all the reasons stated.

Very truly yours,

GRISWOLD, LaSALLE, COBB,
DOWD & GIN, L.L.P.

By: 
ROBERT M. DOWD

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APPENDIX A
LIST OF REPORTS
COMPRISING FRESNO TO BAKERSFIELD
DRAFT EIR/EIS
AND SUPPORTING DOCUMENTS

Below is a list of the documents posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS (nos.1-3) and related documents (nos. 4-43), with their page counts. The purpose of the compilation is to show the inequity and lack of due process afforded by the 60 day public review and comment period. Note that item nos. 4 through 43 are posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS and are referred to in the EIR/EIS. However, items nos. 4-43 are not included in the EIR/EIS and are not provided on the EIR/EIS cds given out by the HSRA office in Hanford. Also, items nos. 4-43 are not available with the hard copy EIR/EIS available for public review at the HSRA office in Hanford and at the Kings County Library in Hanford.

1.	EIR/EIS Volume I	1,556
2.	EIR/EIS Volume II	804
3.	EIR/EIS Volume III	940
4.	Transportation Analysis Technical Report Draft 8/11	242
5.	Figures for Chapters 4 and 5 above	199
6.	Appendix A Traffic Counts Data	537
7.	Appendix B Existing Synchro Output	423
8.	Appendices C through E, Future Assumed Improvements et al.	833
9.	Appendices F through I, Future Plus Project Synchro Output et al.	929
10.	Air Quality Technical Report Draft 8/11	168
11.	Air Quality Technical Report Appendix A Construction Emissions	713
12.	Noise and Vibration Technical Report 7/11	424
13.	Hydrology and Water Quality Technical Report 8/11	158
14.	Geology, Soils, and Seismicity Technical Report 7/11	92
15.	Hazardous Wastes and Materials Technical Report 8/11	188
16.	Appendix A Regulatory Database Search Report	4,287
17.	Appendix B PEC Site Summaries w/ Sanborn Map Review	10
18.	Appendix C Historic Topo Maps	168
19.	Appendix C Sanborn Fire Insurance Maps Part 1 of 4	61
20.	Appendix C Sanborn Fire Insurance Maps Part 2 of 4	61
21.	Appendix C Sanborn Fire Insurance Maps Part 3 of 4 (Pt. 4 beg. P. 62)	107
22.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part I	482
23.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part II	344
24.	Community Impact Assessment Technical Report 7/11	578

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25.	Aesthetics and Visual Resources Technical Report 7/11	218
26.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Text Volume 1 of 4	128
27.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendices A through G, I and J, Volume 2 of 4	264
28.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendix H Special Aquatic Resources Survey Results Figures, Volume 3 of 4	528
29.	Potential Jurisdictional Status of Aquatic Features in the Wetland Study Area Volume 4 of 4 6/11	52
30.	Checkpoint A	28
31.	Checkpoint A Letter 12/22/10	2
32.	Checkpoint B Summary Report 3/11	112
33.	Checkpoint B Appendix D Clean Water Act Section 404 Applicability Criteria, Union Pacific Railroad Alignment Alternative 3/11	138
34.	Checkpoint B Appendix E Summary Presentation of Environmental Resources and Constraints for the BNSF, UPRR and BNSF Avoidance Alternative Alignments 3/11	92
35.	Checkpoint B Appendix E-1a BNSF Alternative Alignment	262
36.	Checkpoint B Appendix E-1b UPRR Alternative Alignment	260
37.	Checkpoint B Appendix E-1c 3/11	260
38.	Checkpoint B Appendix E-2a Sheets 1-7	7
39.	Checkpoint B Appendix E-2b Sheets 1-7	7
40.	Checkpoint B Appendix E-2c Sheets 1-7	7
41.	Checkpoint B Letter 4/21/11	62
42.	Checkpoint B Letter 6/2/11	24
43.	Capital Cost Estimate Report 7/11	198
44.	TOTAL PAGES	16,953

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Revised Environmental Report to be Issued for High-Speed Train Project, Fresno-Bakersfield Section

The California High-Speed Rail Authority (Authority) will issue a Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the Fresno to Bakersfield section of the high-speed train project. **The formal comment period for the Fresno to Bakersfield section Draft EIR/EIS will still end on Oct. 13, 2011, and the revised document, to be issued in the spring of 2012, will have a separate, additional 45-day formal comment period.**

The Authority will re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region. The Hanford West Bypass alternative was selected as the preferred alternative for the 2005 Statewide Program EIR/EIS, and including this alternative is consistent with input from regulatory agencies. The Authority will also investigate improvements to the existing Fresno to Bakersfield alternatives. This step will also afford additional time to review the information contained in the current Draft EIR/EIS.

Rather than issuing a Final EIR/EIS for the Fresno-to-Bakersfield section in January as previously scheduled, the Authority will now use the coming months to further engineer the additional route and new station alternative, conduct the additional environmental analyses needed and make other necessary revisions including those based on comments received through Oct. 13, 2011, after which a "Revised Draft EIR/Supplemental Draft EIS" will be issued for public comment.

Public participation is an important part of this process and the Authority looks forward to working with local communities over the coming months to address questions and provide clarification on the environmental documents and process.

Please note: only comments submitted during the official comment periods (until Oct. 13, 2011 and then again in the spring of 2012) will be treated as formal comments and subsequently responded to, in writing, as part of the Final EIR/EIS.

The Draft EIR/EIS and instructions for submitting a public comment are available on the Authority's website at: <http://www.cahighspeedrail.ca.gov/draft-eir-f-b.aspx>.

EXHIBIT B

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A schedule of workshops throughout the Fresno to Bakersfield section will be announced in the coming week, and posted on the [web calendar](#).

Contact the Fresno to Bakersfield team: fresno_bakersfield@hsr.ca.gov

Exhibit C

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

Memo to the Ridership Peer Review Panel

September 2011

Prepared by Elizabeth Alexis, CARRD

We have a number of concerns about the existing ridership model. The peer review panel is addressing many of them like the discontinuities with urban, short and long trips. There are other items that we believe warrant further discussion.

The overall specific model behaviors that we are concerned about are:

- 1) The high rate of diversion from trips currently taken by car. The diversion from automobiles is almost as high as that from airplanes for SF – LA trips.
- 2) The high sensitivity to frequency at a normal level of headways.
- 3) The insensitivity of the model to access and egress issues.
- 4) The lack of sensitivity to significant socio-economic differences that exist between regions in California.
- 5) The treatment of longer distance commuters as high-end business travelers.
- 6) The lack of induced travel.
- 7) The presumption of high rates of population growth.

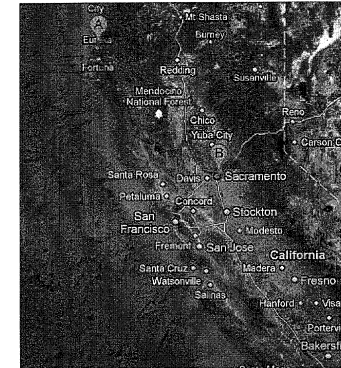
While some of these stem from the challenges of using a stated preference data set that oversampled those most likely to take a train, others come from the calibration phase and some are simply related to model inputs.

We believe that at a minimum the model should be re-estimated. Our preference given the importance of the model and the challenges in forecasting a new service in such a large and diverse state would be for the Authority to solicit proposals as to the best approach to the model and have the Peer Review panel help assess the relative merits.

We understand the time pressures involved with this project but we feel that the issues that have been identified with the model have a significant potential impact on forecasts for the Initial Operating Segment. We would also note that while the Authority has taken the stance that a higher forecast is more conservative for the purposes of environmental review, this is currently unsubstantiated.

Below we discuss certain specific issues in more detail.

Market definition



The CS model had an unusually broad definition of the market for high speed rail. It included all trips within the State of California¹. This includes trips that are not served by HSR. For example, a trip from Eureka to Sacramento would be counted as part of the market.

An analysis comparing an adjusted number of trips² used in a previous ridership forecast by Charles River Associates which used a more traditional definition of market (from one county or region served by high speed rail to another also served by high speed rail) suggests that **50% or more** of the trips in the CS model would not be served by HSR.

This means that the baseline number of trips used to compute data like mode shares is inflated relative to other similar calculations.

It is very difficult to interpret the data in Figure 3 regarding the mode shares by trip distance from the 2011 CS memo given that HSR may not be a realistic option for the majority of trips.

For example, Table 4 gives the mode shares for business trips from “SCAG to MTC Interchange,” better known as Los Angeles to the Bay Area. This trip is in the 375 mile range. While the mode shares vary somewhat by income, the auto share ranges from 10% to less than 5%. Figure 3, on the other hand, shows an auto share of about 40% for such trips.

The data in Tables 8, 9a and 9b from the same memo that gives mode shares by distance from station is somewhat better but still problematic. It limits the analysis to trips that start near a station but would presumably still include trips that do not end near another station.

For these types of analyses, it might be useful to limit the trips analyzed to those that had a viable HSR path. For short trips, CS limited HSR as an option to those with both access and egress shorter than 25 miles. For longer trips, this was limited to those with access less than 100 miles and the access and egress times each less than the train travel time.

This still includes many trips that seem unlikely to attract HSR passengers, but would be more helpful in comparing to the results to other systems.

¹ Except those to Lake Tahoe.

² The CRA analysis did not include commute trips and had data for 2000, 2015 and 2020.

Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

Sensitivity to price changes

It is not a surprise that the model shows overall sensitivity to price changes. The calibration process that was undertaken endeavored not only to get reasonable replication of travel mode behavior but also achieve demand sensitivity.

Tables 5 and 6 in CS memo

The statewide averages for business and commute trips seem implausible given that only two small regions have trips that are lower than the average.

Differences between regions in California

The change in the frequency coefficient was motivated by a desire to dampen demand for air travel from certain airports, presumably those in the Central Valley as there is currently is a low level of service for intra-California flights from Central Valley cities.

The model used a more brute force method to further lower demand for air service.

The final model used large constants to represent the attributes of specific airport markets. For most of the Bay Area to Los Angeles area markets, these were large positive numbers, typically equivalent to \$294 business / \$143 non-business. They helped offset a large negative mode specific coefficient for air service (-\$604 business / -\$144 non-business).

There were no such constants for travel from any of the Central Valley airports, which clearly helped limit demand for air travel.

There are several problems with this approach. First, presumably the same types of factors that limit demand for air travel would apply in some manner to high speed rail, which is a close enough substitute for air that a nested model structure is used. There are however no similar dampening mechanisms for high speed rail demand from the Central Valley.

Second, a better approach would be to directly incorporate socio-economic data that differentiates Central Valley cities from others in California. Travel demand in general and high speed rail travel demand in particular are closely linked to income levels, educational attainment and certain types of employment. While the peer review group has focused on the importance of income, we would suggest using additional measures as the differences between regions are stark. Many of these metrics are analyzed in detail in this sobering report:

<http://www.measureofamerica.org/california/>

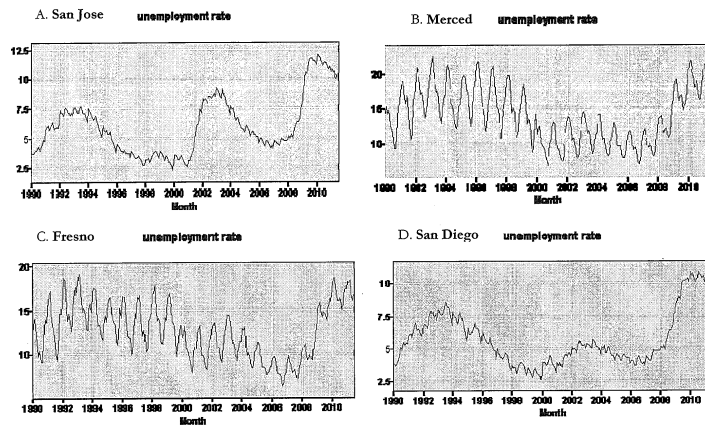
We have included a number of data points below.

1. Income and educational attainment levels³. Renfe (the Spanish HSR operator) indicated in a June 2011 presentation to CHSRA that 68% of their customers are college educated. The SP survey collected educational data.
2. Local economy data. We have both unemployment statistics and a breakdown of employment by the types of industries that have an affinity for high speed rail. These illustrate the large differences in California's regional economies. We do not have any data on hotel rooms but that would also be useful as a measure of tourism.

	Educational attainment	Household Income	Per capita income
San Francisco	51%	\$86,546	\$44,573
Palo Alto	79%	\$119,483	\$68,944
San Jose	36%	\$78,660	\$33,165
Gilroy	23%	\$67,317	\$28,192
Merced County	13%	\$43,848	\$17,994
Fresno County	19%	\$46,230	\$20,375
Kings County	12%	\$45,595	\$17,416
Bakersfield	20%	\$51,886	\$22,601
Palmdale	15%	\$54,840	\$19,231
Burbank	34%	\$62,255	\$32,885
Los Angeles	29%	\$48,570	\$27,070
Anaheim	22%	\$57,870	\$22,522
Irvine	64%	\$92,195	\$42,255

³ Educational attainment is the percentage of adults over 25 with a college degree or higher.

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Source: <http://data.bls.gov/cgi-bin/surveymost?la+06>

Employment by sector

	Information	Financial Activities	Professional and Business Services	Total	Civilian Labor Force	% of labor force
San Francisco - Redwood City	38.5	75.8	201.5	315.8	946.4	33%
San Jose - Sunnyvale	48.1	30.8	164.9	243.8	892.7	27%
Merced	1.3	1.6	3.7	6.6	106.6	6%
Fresno	3.7	13.2	25.8	42.7	434.9	10%
Bakersfield	2.8	7.9	23.5	34.2	364.2	9%
LA-Long Beach - Santa Ana	230.3	309.7	777.8	1317.8	6420.8	21%

Source: May 2011 BLS <http://www.bls.gov/eag/eag.ca.htm>

5

Access and egress

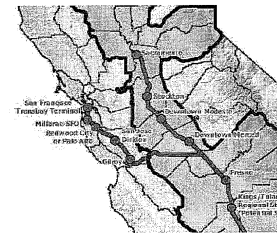
We have significant concerns that the model underestimates the important of train access. The previous model by Charles River Associates (available at <http://calhighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=6588>) only considered trips that were made by people who lived in the vicinity of a station and who were traveling to some place near another station.

The CS model includes all trips taken in the state of California (with the exception of those to Lake Tahoe) although the original SP sample specifically only included people who took a trip from one region served by high speed rail to another region served by high speed. The vast majority of the people participating in the survey lived quite close to a station. For example, residents of Monterey were excluded from the survey. Residents of half of California's counties were excluded from the survey.

It is a well-known attribute of high speed rail that ridership demand is closely tied to the accessibility of stations. It is even more sensitive than air service. "Beet root" stations often have disappointing ridership. Recent work by Mark Hansen and Reinhard Clever highlights the paramount importance of station location.⁴

In many ways, the model shows little of that sensitivity.

It can be seen in the extreme "stub" station effect wrt Merced and Anaheim.



In Phase 1, Merced will be the northern most station on the branch to Sacramento. The ridership forecast for Merced is 7,370 passengers per day. In phase 2, stations are scheduled to open in Modesto (40 miles away) and Stockton (70 miles away) and service will be extended to Sacramento and San Diego. Ridership for Merced is scheduled to drop to 1,558 passengers per day. The explanation given is that the passengers who will then use the Modesto (3,671 passengers) and Stockton (5,064 passengers) stations would have driven up to

100 miles on congested Highway 99 to Merced in Phase 1 to catch the train.

⁴ "Interaction of Air and High-Speed Rail in Japan" Reinhard Clever and Mark M. Hansen *Transportation Research Record*, 2043, 1-12 (2008) More at <http://thinkmetric.com/diss/>

6

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The following assumptions were made in determining the "best path" high speed rail skims:

- All available local transit options in the system as well as auto and walk can be used to access and egress high-speed rail stations;
- The maximum distance for auto access to high-speed is assumed to be 100 miles (the same distance as air);
- High-speed rail will not be used if the auto access or auto egress time is greater than in-vehicle time;
- High-speed rail will not be used if the "best path" origin station and destination station are the same;
- High-speed rail will not be used if the distance between the origin TAZ and destination TAZ is less than 100 miles and the access or egress distance is greater than 25 miles; and
- High-speed rail will not be used if the drive access plus drive egress time is greater than the time it would take to drive from the origin TAZ to the destination TAZ.

help determine station location and even the number of stations. In addition, the center of information and financial firms is not always in the downtown, making the station decision more challenging.

The lack of sensitivity will be an issue with ridership forecasts for the Initial Operating Segment, where both ends will necessarily be "stub stations."

Frequency/ headway coefficient

"Frequency does not have a significant effect either for air or HSR."⁶

⁶ Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study, Statewide Model Networks August 2007 page 5-14

A similar phenomenon occurs with Anaheim.

The data that CS presented in the 2011 memo regarding mode share by distance from station clearly demonstrates the lack of sensitivity.

The model accounted for accessibility in two ways. First there was a link to calculated log sums from the access and egress (long trips only) mode choice models. These seem to have a limited role in the main mode choice.

Second, the high speed rail networks had explicit limits placed on them⁵ [see side panel for excerpt]. These appear to be binding constraints in many cases.

For short trips, both auto access and egress were limited to 25 miles. In addition, the access and egress time each had to be less than the train trip time. This produces the more reasonable looking access data in Figure 7a and table 8. However, for trips that are less than 100 miles door-to-door, one would expect even more clustering of demand around stations.

For long trips, the constraints are less stringent yet still appear to have more influence on mode choice than the access and egress models.

CS is quite open about the limitations of the access/ egress components of the model. The problem is that the engineering consultants are using results from the model to

As the Panel has noted, the current headway coefficient is inappropriate. But as the panel has also observed, the current model does not show extreme sensitivity to headways as measured by elasticities. This is not surprising, given the incredibly low absolute level of headways in the current operating schedule.

A 25% change in headways for long distance intercity travel with headways of 4 to 15 minutes means only 1 – 4 minutes change. This cannot be compared to the change in headways where hourly service is more the norm and a 25% change in headways would mean a 15 minute change. While at some ranges of headway the demand response may be logarithmic wrt changes in frequency, it is unlikely to be so at the extreme low levels of headways in the operating schedule.

The frequency elasticity would be more relevant if the model was re-run with the headways that were in the original SP survey of 30 minutes to 2 hours.

Frequency is a complicated variable. The sensitivity depends on the length of trip. For long trips with long headways, the demand response may be more logarithmic than linear. For short trips with moderate headways, the demand response may be more exponential than linear.

In the case of the California High Speed Rail model, the topic is especially fraught.

First, the use of the high frequency coefficient is being used to dampen demand for air service from the Central Valley and masks the real issues as to why there is low air (and likely HSR train) demand between certain markets. The low frequency of service between certain cities is not exogenous; it is in part a function of low demand that correlates with many excluded variables that would help explain differences in demand due to the differences in regional economies and other socio-economic factors.

Table 1 on page 4 from the CS 2011 memo gives validated air passenger rates. The total number of daily intra-California passengers between the Central Valley and the Bay Area/ Los Angeles is only 140 people. While some of the trips in this market are too short for air service, many are quite long. For instance, Bakersfield to San Francisco is 450 km and Anaheim to Fresno is 390 km. In other markets with these same distances, there is a much larger air market.

Second, the high number of trains in the operating schedule is an artifact of the high frequency coefficient. Over the last five years, service levels have been dramatically increased. This was done because at higher headways (headways more similar to those in Europe) the model showed very high sensitivity to headways. Parsons Brinckerhoff then methodically increased the number of trains until there were very limited additional gains to be wrung.

Next, we have concerns that this model may not be robust to the more normal operating schedules that for-profit operators would likely propose.

⁵ CS Memo, Bay Area/California High Speed Rail Ridership and Revenue Forecasting Study Meeting Minutes from February 7, 2006

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Finally, the high frequency coefficient completely skewed the ridership forecasts for the Altamont vs. Pacheco routing decision. The Altamont route had headways that were 150%- 300% higher than the Pacheco route. While we understand that the Panel has been told explicitly not to deal with this issue, our estimates (based on population and air demand) are that a route like Altamont that more directly serves the East Bay could have substantially higher ridership and we would recommend that the route be re-analyzed when a new model is developed.

Cost of driving

"Usually, auto travelers will consider their cost of travel to be only their out-of-pocket gas costs. Thus, in most intercity travel models, auto costs are generally in the range of \$0.10 to \$0.15 per mile. While higher per mile costs are more consistent with the true costs of driving (including operating, maintenance, and ownership costs), they are generally not considered by travelers for specific travel decisions."⁷

The model currently uses \$0.24 per mile in 2005 dollars to calculate the cost of driving. In 2011 dollars, this cost is \$0.27 per mile. This cost includes both fuel costs and other operating costs, assumed to be 60% of the fuel costs. The cost of gas is not explicitly included but can be calculated given an assumption of fuel mileage and a cost per mile of driving.

There are a couple of issues with this formulation.

First, it is not obvious that non-fuel operating costs should be included in a model of intercity travel. The ridership model is a behavioral model so it is important to have the perceived cost of travel, not the actual cost of driving. As CS points out in their review of a ridership model for another California high speed rail project, people do not typically consider costs like depreciation and repairs when taking occasional trips.

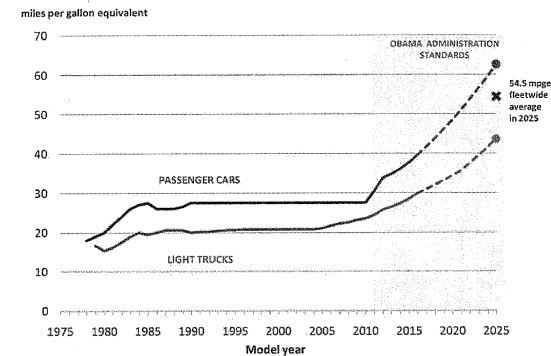
Second, if operating costs are included, there is no reason that they should be a function of gas prices. Our understanding is that this was a method used at one point by MTC but is no longer used by them. While that approximation may have been appropriate at one cost of fuel, it is subject to scale issues. While real costs of gas have increased substantially, there is no reason why maintenance costs should increase in sync with gas. What may have been appropriate when gas cost \$1.10 per gallon may not be appropriate with gas closer to \$4.00 per gallon. It is also confusing for sensitivity tests of gas price changes. The maintenance costs would also be increased, which may or may not be intended.

Finally, regardless of whether or not non-fuel costs are considered, the original SP survey was very specific that the costs were fuel only and the model was estimated accordingly. While the model was later calibrated using the more inclusive costs, this does not change the fact that all of the cost coefficients were estimated using just fuel costs. If people do mentally add in additional driving costs when making decisions, this would have been included in the regression coefficients.

⁷ Cambridge Systematics Desert Xpress Ridership Forecast Review February 29, 2008

If it is determined that non-fuel costs should be included, then the model should be re-estimated adding in these costs to the cost of driving. Otherwise, the model should only use out of pocket costs like fuel.⁸

We would also point out that some significant increases in fuel efficiency have recently been mandated. Even if gas prices rise significantly, fuel efficiency gains may actually lower the cost of driving in the future, AKA the "Prius effect." This type of scenario should be considered along with higher driving cost runs.



MPG 1979-2013 figures are EPA Corporate Average Fuel Economy (CAFE) standards in miles per gallon. Standards for MY2012-2025 are EPA greenhouse gas emission standards in miles per gallon equivalent, incorporating all conditioning requirements. Dashed line shows that standards for MY2017-2025 reflect percentage increases in miles per gallon.

Cost of gas / gallon	MPG				
	20	25	30	40	50
\$3.00	\$0.15	\$0.12	\$0.10	\$0.08	\$0.06
\$3.50	\$0.18	\$0.14	\$0.12	\$0.09	\$0.07
\$4.00	\$0.20	\$0.16	\$0.13	\$0.10	\$0.08
\$4.50	\$0.23	\$0.18	\$0.15	\$0.11	\$0.09
\$5.00	\$0.25	\$0.20	\$0.17	\$0.13	\$0.10
\$6.00	\$0.30	\$0.24	\$0.20	\$0.15	\$0.12
\$7.00	\$0.35	\$0.28	\$0.23	\$0.18	\$0.14
\$8.00	\$0.40	\$0.32	\$0.27	\$0.20	\$0.16
\$9.00	\$0.45	\$0.36	\$0.30	\$0.23	\$0.18

⁸ The case of business travelers is somewhat tricky. While federal reimbursement rates are very high, it is not clear that employees consider this as their cost.

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Group travel

The CS model does not directly adjust the price of driving based on the number of passengers in the car. The standard treatment in other models is to calculate the cost by dividing driving costs by the number of passengers. This model does not do so.

For short trips, there does not appear to be any adjustment whatsoever.

For long trips, the CS model uses a group constant to represent both cost savings and a "road trip" effect in lieu of dividing the cost by the number of passengers. *The cost savings of traveling in a group has not been updated even as the assumed cost of driving has more than doubled.*

Given that most intercity car trips are with more than one traveler, this is a serious issue. In the SP survey, only 17% of all car trips were taken by single drivers.⁹⁹ Unlike local trips, the solo driver automobile is the exception rather than the rule and this effect is stronger the longer the trip.

Thus, the current model generally overestimates the cost of driving when there is more than one person in the car. This is a significant problem as a large majority of non-business intercity automobile trips are taken in groups.

In the original estimation, the consultant found that for long trips there was a group effect above and beyond the cost savings. There are several different plausible explanations for this finding. For example, multiple drivers can share driving and it is easier to deal with a whole family's luggage with one's own car.

For long distance non-business trips, the value of the group constant estimated using the SP survey data was \$40 (2005 dollars). In the estimation, the average price of driving was about 11 cents per mile. Depending on the number of people in the car and how the group travel constant was attributed between cost savings and the "road trip" effect, this value gives very reasonable breakeven numbers.

Subsequent to the initial estimation and discussed in detail in the previous section, the price of driving has been significantly increased from the 11 cents per mile figure. It was 20 cents per mile in the initial calibration and is now 24 cents per mile. All these figures are in 2005 dollars.

However, the group constant has not been changed. It no longer gives a reasonable breakeven.

The below chart gives a typical per person cost of driving, assuming an operating cost of 24 cents per mile for a given number of passengers driving a given distance.

	100	200	300	400	500	600
2	\$12	\$24	\$36	\$48	\$60	\$72
3	\$8	\$16	\$24	\$32	\$40	\$48
4	\$6	\$12	\$18	\$24	\$30	\$36

The next chart shows the effective cost per person using the group coefficient method in the CS model and assuming that 75% of the value is attributed to cost savings. All numbers in red are higher than the per person driving cost a standard model would give.

	100	200	300	400	500	600
2	\$6	\$18	\$42	\$66	\$90	\$114
3	\$6	\$18	\$42	\$66	\$90	\$114
4	\$6	\$18	\$42	\$66	\$90	\$114

For a 400 mile trip (Bay Area to Disneyland) with four people in the car, the difference is **substantial**. The model uses a cost of \$66 per person vs. a traditional method cost of \$24. For the household, this is **\$264 vs \$96** each way.

In addition, the issues with the price of driving identified previously compound the issues with the group travel coefficient.

Operating schedule

The current operating schedule has very frequent service and offers service to many different stations. Thus far, the operating schedule has been determined by the engineering program manager, Parsons Brinckerhoff, largely in response to a ridership model that showed excess sensitivity to normal frequencies. No actual train operator has been selected and there are several aspects about the schedule that a for-profit operator would likely change.

First, there would likely be many fewer trains. More service would be direct Bay Area to Los Angeles, in line with current demand for air service. And finally, there would be limited service available for regional commuter traffic.

Most non-subsidized long distance intercity rail systems in the US (Northeast Corridor) and in Europe try not to serve the regional commute market. They do this by setting fares very high, explicit prohibitions on short trips and scheduling.

This is done for very basic reasons. Because the demand for regional transit (Bakersfield to LA) outstrips the demand for long distance transit (San Francisco to Bakersfield), selling Bakersfield – LA tickets will often mean empty seats from San Francisco to Bakersfield. This dramatically lowers yield per mile operating results.

⁹⁹ CS Memo, Bay Area/California High Speed Rail Ridership and Revenue Forecasting Study Meeting Minutes from January 5, 2005

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One solution to this issue is to run shorter distance trains to serve the regional markets. The commute market often has asymmetrical demand – with high demand in the morning in one direction and high demand in the evening in the other. This either requires additional trains or requires trains to run mostly empty in one direction. In addition, longer distance commuters tend to be sensitive to price so lower ticket prices need to be offered to attract significant numbers. In certain countries where there is a policy aim to spread out population away from the urban areas, there are very large discounts offered to long distance commuters.

Serving long distance commuters may serve policy goals but it is typically a money losing proposition. In general, this service is either offered through another subsidized service offering (AVE Avante¹⁰) or provided by a regional service (Metronorth, NJ Transit).

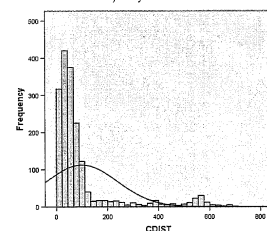
The CS model evenly spread out commuters throughout the morning and evening peak times, which is not likely to be realistic for most of the markets, particularly in phase 1 and the IOS.

In addition, there are no agreements that we are aware of with existing local train operators who may be competing for similar markets. For example, Caltrain's Baby Bullet service offers SJ to San Francisco service currently and this is one of the most profitable parts of their business. There are similar issues with Metrolink and the various Amtrak providers.

As the HSR operator has not been selected and no agreement has been reached with any local train operators as to who will serve the longer distance commuters, it makes sense to consider other operating schedules.

Commuters

The treatment of commuters in this model is problematic. Some of this stems from the initial data set. The vast majority of the "short" commuters surveyed were on a train to work. There were only 6 auto commuters. The original estimation revealed a value of time of only a couple of dollars per hour (this was later constrained to be higher), a clear sign that this was not a representative sample.



On the other hand, there were virtually no long distance commuters sampled. And of the 27 surveyed, a disproportionate number were flying from the Bay Area to L.A. While there is a small group of such travelers and they would be very likely to consider HSR, a large majority of commuters over 100 miles are traveling just over that arbitrary limit.

¹⁰ Cuidad Real in Spain has become known for its long distance commuters. The Avante commute service uses a lower end trainset and fares for commute times at more than a 75% discount to the service offered on the long distance trains.

While undocumented anywhere in the original reports, CS decided to address the small sample size by combining the long distance commuters with the business travelers, who were over-represented by those flying to and from the Bay Area.

This resulted in assigning a very high value of time to these commuters (\$64), many of whom have a long commute because they decided that the lower cost of living outside of the Bay Area was worth the long time in the car.

While it is important to understand the potential of the high speed rail infrastructure to serve commuters, the actual level of service for commuters will likely depend critically on the available local subsidies. Realistically, a HSR operator will set fares high enough or alter schedules to limit demand during peak periods like Amtrak does with stations like New Haven and Princeton.

It may actually make more sense to separate out commute service from the long distance service, especially as it is unlikely that the long distance operator will be in a position to subsidize local service as significant project debt is envisioned and, by law, any extra money must help expand the system.

The regional transit authorities could then decide what type of regional transportation they want to support and then develop their own ridership numbers. The regional models have much more critical detail regarding access and egress and other connecting transit services.

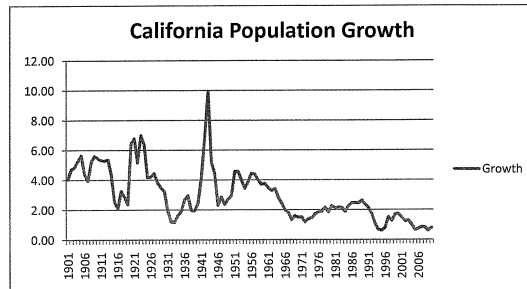
This of course is only one possible approach but the current treatment of long distance commuters as high-end business travelers needs to be fixed in some way. This may also help solve some of the calibration issues with demand for air service from Central Valley airports.

Population

California experienced tremendous growth over the last century and current forecasts include quite high levels of growth. The growth rate has significantly slowed and growth over the last decade was half of the growth originally forecast. Previously California enjoyed high rates of migration. Migration accounted for about half of California's growth. Earlier this decade, preceding the economic slowdown, this trend dramatically reversed and more people are moving out of California than moving in. This is perhaps not surprising as California's schools are poor performing and there are few areas with both a good job market and affordable housing.

While population growth could resume at its previous trajectory, it is also possible that growth could occur at half the forecast rate. We would recommend that the model be run with high and low population forecasts to understand the sensitivity to this critical assumption.

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Source: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-7/view.php>

Additional detailed data for last decade:

http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/2000-10/documents/E-6_Report_July_2000-2010_updated_with_2010_census.xls

Response to Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011)

668-1

Comment letters are included in Volume IV of the FEIR/EIS.

668-2

See MF-Response-GENERAL-7

668-3

See MF-Response-GENERAL-1 and MF-Response-GENERAL-17.

668-4

See MF-Response-GENERAL-6.

668-5

See MF-Response-GENERAL-1 regarding past environmental analyses of the HST system and the Merced to Fresno section's part of that system, and MF-Response-GENERAL-22 regarding the issue of piecemealing.

The overall HST system has been analyzed at a broad level pursuant to both CEQA and NEPA; the Authority is required to undertake planning and environmental analysis of the HST system (and its component sections) under its enabling legislation as well as the provisions of Proposition 1A. The question of when to begin the design and construction of the various sections of the HST system and to undertake the section-specific CEQA/NEPA analysis is a policy decision and is separate from that environmental analysis itself. In other words, when a section is selected to move forward in more detailed planning and design, then the section-specific environmental analysis can begin. The Merced to Fresno HST Project's purpose and need (see Chapter 1 of the EIR/EIS) explains the reasons for beginning the HST system in the Central Valley.

668-6

Determination, which is required prior to construction of the project, is currently being prepared to accompany the approval of the Record of Decision by the FRA. While emissions generated in the area would decrease with the project (primarily as a result of a mode shift from auto and air travel to the high speed train), the air quality analysis has identified emission rates from the project for NOx and VOCs during the construction phase that exceed the Conformity de minimis thresholds. As such, a formal general conformity compliance demonstration is required and the general conformity

668-6

requirements will be met through, first, efforts to use the cleanest reasonably possible construction equipment fleet (mitigation measure 1), then through a Voluntary Emissions Reduction Agreement (VERA) between the Authority and the San Joaquin Valley Air Pollution Control District (mitigation measure 4). The FRA will prepare and sign the "General Conformity Determination" for the project. Transportation conformity is not required for the project at this time. An updated discussion of this subject is included in the Final EIR/EIS.

668-7

The MF section of the HST Project requires Clean Water Act (CWA) compliance and CWA Section 404 permits. Section 404 permitting, which is the responsibility of the U.S. Army Corps of Engineers (USACE), is a separate process from the Authority/FRA decision on the Project. However, the processes are inter-related by the NEPA process and the requirements of the CWA. The MF HST section of the Project cannot proceed without a Section 404 permit. In order for these permits to be issued, the USACE will require that the project represent the least environmentally damaging practicable alternative (LEDPA). As part of the determination of the LEDPA, the project must go through the NEPA environmental review process. In order to simplify the Section 404 process, the Authority/FRA has worked with the USACE to include potential LEDPAs in the EIR/EIS. For example, once the purpose and need were determined, detailed study alternatives were developed, including alternatives that could be considered for selection as the LEDPA for purposes of the Section 404 permit. The impacts for the Draft EIS/EIR were analyzed and circulated for public comment, which is the current phase of the project.

This is one aspect of the process by which the USACE will select the LEDPA, but that selection is based on the statutes and regulations that apply to issuance of the Section 404 permit. The Section 404 permit will be issued for the LEDPA, effectively eliminating the other alternatives analyzed in the EIR/EIS and will include substantive conditions which in turn will minimize impacts to biological resources within the Study Area. The USACE will rely on the EIR/EIS as the basis for its environmental analysis of the LEDPA.

Response to Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

668-8

See MF-Response-AGRICULTURE-7.

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The ridership model is not deficient, but “produces results that are reasonable and within expected ranges for the current environmental planning and Business Plan applications”, according to a ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting [Independent Peer Review Panel, August 1, 2011].

The ridership model has been the subject of litigation challenges (*Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2008-80000022 and *Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2010-80000679). As part of the Atherton litigation, the Superior Court concluded that: “Cambridge Systematics’ analysis is clearly not inadequate or unsupported and Respondent reasonably relied on Cambridge Systematics’ conclusions in approving the ridership model after extensive debate regarding ITS’s criticisms of the model. Respondent’s thorough explanation regarding its selection is contained in the record.”

The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics (CS). A full description of the model development and the forecasts is available on the Authority’s website and will also be available when the Final EIR/EIS is published [California High-Speed Rail Authority. 2011. *Ridership and Revenue Model: Development, Application, and Project-Level EIR/EIS Forecasts*. Prepared by Parsons Brinckerhoff. June 2011. Available at <http://www.cahighspeedrail.ca.gov/assets/0/152/302/321/dce0ae33-6717-43a0-bf82-a2e7825c6996.pdf>].

A range of ridership forecasts have been used in the EIR/EIS to evaluate potential negative and positive impacts of the HST. For negative impacts such as noise or traffic around stations, a high level of ridership and HST activity was assumed. For positive impacts such as energy savings or greenhouse gas emissions reductions, a low level of ridership and HST activity was assumed. In each case, the ridership is conservative and reasonable for the evaluation of impact.

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Appendix C is a memo addressed to the Ridership Peer Review Panel by Elizabeth Alexis, CARRD [Alexis, Sept. 2011]. The memo makes numerous observations, speculations, and suggestions, but does not provide credible evidence that the model is unsuitable for use in the environmental analyses. The introduction presents a list of seven areas of concern, and the body of the memo covers most, but not all of them, and also covers a number of other issues. The seven areas of concern are addressed below first, and then the additional items are addressed.

1. The high rate of diversion from trips currently taken by car. The diversion from automobiles is almost as high as that from airplanes for San Francisco to Los Angeles trips.
This point is not further addressed in the detailed discussion. That a large percentage of HSR ridership is expected to be diverted from cars is not surprising given that under the no-build condition, about 47 percent of the trips are made by car between the San Francisco Bay Area and the SCAG region. By contrast, we forecast that about 51 percent of the high speed rail ridership in 2030 would be diverted from automobiles.
2. The high sensitivity to frequency at a normal level of headways,
CARRD’s lead-off statement in this section, “As the Panel has noted, the current headway coefficient is inappropriate.” [Alexis, Sept. 2011, p.8], is incorrect. In fact, the PRP confirmed the appropriateness of the headway coefficient, as follows:
“CS calculated the elasticity of total HSR ridership with respect to HSR headway at approximately -0.30 (see last two rows of Table 14 in Cambridge Systematics (2011)). This elasticity is about the same size that the panel would expect, based on experience with urban transit and accounting for the expectation that headway is likely to be less important in intercity than in urban transit. It also compares well to elasticities found in a national survey in Switzerland, covering trips 10-300 km in length, whose values are shown in Table 2 [of the PRP report]. Furthermore, the panel feels that if the original model had kept the estimated coefficient (which was approximately one-fifth as large as the value they constrained it to), the resulting elasticity would have been too low to be plausible. Therefore, we conclude that in the end, this problem with the model did not misrepresent traveler

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behavior in important ways.” (Independent Peer Review of the California High-Speed Rail Ridership and Revenue Forecasting Process, Findings and Recommendations from April-July 2011 Review Period, August 1, 2011, Section 3.4, Page 6).

The remainder of CARRD’s discussion of frequency on Pages 7-9 is speculation regarding reasons and motives for constraining the frequency coefficient in the original model development. The actual process is documented in the materials submitted to the Peer Review Panel and is available publicly on the Authority’s website.

3. The insensitivity of the model to access and egress issues,

The supporting discussion starts with the observation that a previous model by CRA only considered trips by people “travelling to some place near another station”.

CARRD passes over that the CRA model was a “black box” model with no documentation open to outside review (unlike the current model). There are advantages of including all trips within the state and systematically determining who might use high speed rail (see point #1).

So, starting from an unsupported position that one has to be close to a freeway or an airport or a high-speed rail station to use it, CARRD makes the argument that people could not possibly come to the stub end stations in the numbers forecast. The consistent statewide forecast model weighs the pros and cons of driving, taking the train or going to the airport, for over 21 million place-to-place trips, and assigns reasonable probabilities, including zero. The model does not prejudicially decide that Merced and Anaheim are “beet root”[1] stations (Alexis, September 2011, p. 6) and therefore incapable of attracting riders from elsewhere.

Finally, CARRD suggests that because drivers have sloggged through “up to 100 miles” of Rte 99 to get to Merced every one of them would continue to drive south another 200-300 miles rather than take a high-speed train taking less time and costing less (also Alexis, p.6). This reflects an enthusiasm for Central Valley driving that the model suggests is not widely shared, and upon reflection, is unlikely in the face of a comfortable, fast, cost-effective alternative.

4. The lack of sensitivity to significant socio-economic differences that exist between regions in California,

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Actually, the HSR model is quite sensitive to the specifics of the various regions of the State. It considers household sizes (1, 2, 3, and 4+), income levels (low, medium, and high), auto ownership levels (0, 1, and 2+), and the number of workers in the household levels (0, 1, and 2+) and results in 99 different logical household types considered by the model.

Thus the model has quite different projections of the current and future make-up of the San Joaquin Valley than for San Mateo County. The Sacramento region is different from Orange County, Los Angeles from Kern County, etc., and all of these differences feed into the model forecasts in an appropriate way for the environmental and financial planning work relying on them.

CARRD’s observation (p.4) that mostly college-educated people ride high-speed trains in Spain is interesting, since less than 3% of Spain’s population has a university degree[2]. The lowest level of California college graduates cited by CARRD is in King’s County, with 12%, four times higher. The highest cited is Palo Alto, home to CARRD, with 79%.

Does this mean that Californians are at least four times as likely to take high speed trains? Or that Palo Altans are 25 times more likely to take high-speed rail than Spaniards? Of course not; such isolated comparisons are meaningless. Actual California HST ridership will depend on the quality of the specific service, and its price, time, & frequency compared to the air and road alternatives. These are the characteristics that the model evaluates systematically and differentially for each of over 21,000,000 individual zone-to-zone interchanges in the state.

5. The treatment of longer distance commuters as high-end business travelers, CARRD’s summary phrase covers of a host of concerns over the treatment of commuting and opinions on how to organize a rail network to handle long-distance commuters and other travellers. None of them affect the forecast in a significant way, and CARRD is confused on several points. The issues raised are the following:

a) survey “unrepresentativeness” – only a few commuters surveyed; pp, 12 & 13 various, including p. 13 para 6.

The issue of the “unrepresentativeness” of the survey sampling process has been discussed, and dismissed, previously. Specifically, this issue was addressed in the Standard Responses to a question raised by CARRD as part of the Bay Area to

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Central Valley HST Revised Final Program EIR. This response should probably include the key arguments of the Standard Response.

b) CS model evenly spread out commuters through the peak times; p. 13 para 3. The travel model forecasts ridership for a composite six hour peak period; three hours in the morning peak period and three hours in the afternoon peak period. A ten hour off peak period is modeled. "Peaks within the peak period" are not included in the travel model. This level of modeling is commensurate with the needs for an EIR / EIS and appropriate for a project of statewide scope, where many trips extend into several time periods.

c) CS assigned a very high value of time to long-distance commuters; p. 14, para 2. The value of time assigned long-distance commuters resulted from this group being included with business travellers in the main mode choice model. CS and PB are working on what to say about the relative importance of this issue and whether the value of time is in fact unreasonably high.

d) Commuters as high-end business travellers affect calibration of demand from Central Valley airports.

This is one of a number of unsupported suppositions in the CARRD document. A wide variety of potential models were investigated in the original model development but these models were abandoned due to an inability to find a meaningful relationship, lack of estimation data, or lack of a procedure to forecast necessary input data for future ridership forecasts.

e) Serving commuters is generally money-losing, p. 13, para 2,

This is correct, but in the case of CAHST, commuters are primarily carried at the north and south ends of the runs, after the peak of inter-regional traffic, and seats are available. With no need to provide additional capacity, the fares commuters pay (higher than the Metrolink or Caltrain prices, in exchange for much faster service) more than cover the costs that they generate.

f) One of Caltrain's most profitable businesses is Baby Bullet commuters SJ to San Francisco, p. 13, para 4.

We have found no evidence that Baby Bullet service is profitable, even operationally, nor that there are other profitable businesses run by Caltrain.

g) Regional models should be used to forecast regional commuter usage, p. 14, para 5.

CS has, from the start, used regional models for this forecasting work.

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6. The lack of induced travel,

This issue is not further discussed in the memorandum so CARRD's concern is unclear. However the model does estimate induced travel, which makes up two to three percent of the HSR ridership forecast for various alternatives and scenarios.

7. The presumption of high rates of population growth.

CARRD supports their concern with three assertions on p. 14, one of which is wrong, one that is not provable, and one which does not affect the environmental impact analysis:

1) "[Since] earlier this decade... more people are moving out of California than are moving in." This is incorrect, according to a recent Brookings Institution study of Census Bureau estimates[3] which shows a net in-migration from 2000 through 2008 of 1.75 million legal immigrants from outside the U.S., versus a net out-migration domestically of 1.36 million, for a net of 390,000 in-migrants through some of the most difficult years for California.

2) "...growth over the last decade is half of the growth originally forecast". This is impossible to refute or prove since the "original" forecast is not given.

3) "current forecasts include quite high levels of growth." The environmental analysis is based on the official California Department of Finance forecasts of growth from the mid-2000's that are indeed higher than recent post-recession forecasts. However this creates an upper-end estimate of potential negative impacts for analysis and mitigation in key areas such as traffic impacts around stations, and noise and vibration. If the forecast is lower, fewer impacts would be created, but a maximum reasonable situation has been evaluated as required in the EIR/EIS work.

CARRD's final suggestion that the sensitivity of the forecast to population growth be tested is reasonable and the 2012 Business Plan forecasts have used several alternative population and employment growth scenarios to define a low and a high case. Both forecasts were decreased from the DOF forecast used for the EIR/EIS forecasts, to just 1% per year, similar to the California growth rate observed by the Census in the decade 2000-2010.

Additional CARRD issues:

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A. The model should not include all trips made in California, pp. 1 & 2.
CARRD suggests that the model should not cover all trips made between regions in California, and should be limited judgementally to those trips that originate “near” a high-speed rail station. Nonetheless, the approach of the model to include all trips is quite reasonable, and has several advantages:

a. It provides a more complete picture of travel within the state, which is used to provide context and information for the environmental analyses and cost benefit evaluations.

b. It allows the model to systematically and consistently determine whether the traveller would change modes based on cost and time tradeoffs. For example some air travellers today drive 50-100 miles to get to an airport to fly to the other end of the state, e.g. Monterey to the San Jose airport to fly to San Diego, and some of them may be willing to drive a similar distance to catch a high-speed train. Other travellers may drive several hundred miles such as from Yuba City to Bakersfield, and may be willing to park at Merced to take the train rather than drive the whole distance. Rather than arbitrarily exclude Monterey or Yuba City trips, as CARRD suggests, the model evaluates the characteristics of the trip, the household, and the alternative modes, and calculates a probability that HST would be taken.

The CARRD expectation that auto shares in Table 4 and Figure 3[4] should be the same is wrong, since each reports auto mode shares for different markets. Figure 3 shows inter-regional trips of around 375 miles state-wide with an average auto share of 40%. Table 4 shows auto shares for trip from one zone in the LA Basin to another in the Bay Area, assuming 1 person per auto, with a mode share of 5-10%. This is totally in line with expectations, since a) the auto is more attractive when groups are travelling and can share the costs, and b) because many other long distance trips do not have the air service access that LA-SF has, making the auto more attractive state-wide. Overall, the MTC-SCAG region mode share for autos under the no-build condition is expected to be 47 percent; under the Phase 1 condition, the mode shares are expected to be:
HSR: 38%; Auto: 28%; Air: 34%.

B. Conduct of stated preference surveys, p.6, para 2

CARRD states mistakenly that the original stated preference survey sample excluded all residents of Monterey and half of California counties. For both air and rail traveller

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intercept surveys, half of the total surveys, no such limits were imposed. For the telephone surveys of auto and rail travellers, it is correct that half of the State's counties were excluded. However this is not a significant issue, since the 29 counties included account for more than 92% percent of the State's population.

C. Methods of calibration p. 3, paras 3 to 6

CARRD advances an argument that CS manipulated the frequency coefficient to “dampen demand” for air travel at airports (“presumably those in the Central Valley”) and added constants to the Bay Area and SCAG airports because the model was behaving badly and underestimating non-Central Valley airport demand. The CARRD arguments regarding the motivation for the constraint of the frequency coefficient are speculative. The reasonableness of the value of the frequency coefficient after constraint is documented under Item 2, above.

CARRD further speculates that “presumably the same types of factors that limit demand for air travel would apply in some manner to high speed rail, which is a close enough substitute for air that a nested model structure is used. There are however no similar dampening mechanisms for high speed rail demand from the Central Valley.” The nesting structure for the main mode choice also includes conventional rail in the same nest as high speed rail and air travel. There was no need to include constants for conventional rail similar to those necessary to calibrate the model to reasonably reproduce air travel demand.

High speed rail was grouped into the same nest as conventional rail and air travel because travelers on one of those public modes are more likely to switch to travel on another of those modes than to travel by auto. This increased sensitivity relates to all components that contribute to the utility of travel on those modes, not just the constants.

D. Cost of driving

On pp. 9 & 10, CARRD questions how the costs of driving were used in the model. The model has used one of several acceptable approaches to addressing the non-fuel costs of auto travel in a demand model, and this approach was used consistently from estimation of the model through application.

The following summarizes CS' previous responses to similar arguments:

· The SP survey used to collect data for the model estimation provided each respondent with four choice experiments representing travel on a particular origin-destination pair.

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Over the entire survey, the implied cost of auto use ranged from 5 to 42 cents per mile, with an average of 15 cents per mile (in 2004 dollars, since the survey was done in 2004). This wide range was used to estimate the importance of auto cost in trip making and mode choice decisions, and is normal stated preference survey design.

- Respondents were told that these cost ranges were developed by design to reflect a range of gas price scenarios. The instructions read as follows: "We would like you to make a selection even though travel times and fuel costs for the car mode may vary in the future due to traffic congestion and changes in fuel price per gallon. Air fares may also vary from current prices."
- The cost was described as "fuel cost" in the survey for simplicity, but the range of costs offered in the choice experiments purposely stretched the usual bounds, to provide information people's sensitivity to travel cost. The value would be interpreted by the respondent as "cost" and was used to compare the cost of auto travel to the costs for the competing modes. Costs for other modes were characterized as "fares" but were not specific about whether they included or excluded taxes.
- When the model was calibrated, we used a cost that included not just fuel, but also some operating costs. This choice was made to maintain consistency with the existing MTC and SCAG models, which used this approach. Different modelers handle this differently, and there is no industry consensus. However, the use of one method versus the other does not affect the final outcome as long as there is consistency between model validation and application.
- Travel costs for auto, air, and rail have been treated consistently from estimation through calibration and application.

E. group travel

On pp. 11 & 12, CARRD questions how the model reflects groups that travel together. CARRD is correct that the mode choice model does not divide the cost of auto travel by the number of travelers. However, it does account for the effects of group travel in other ways that reflect the complexity of how group travel decisions are made. The following summarizes CS' previous responses to similar arguments:

- Travelers' decision to travel individually or as a group is taken into account in two model components - the trip frequency model component and the mode choice model component.
- CARRD's analysis assumes that the impact of group travel should be accounted for in mode choice only. Such an approach has obvious appeal, but would have affected the

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model in other ways. Our model determines travel alone or travel in a group as part of the trip frequency model. In effect, the model says that the decision to travel alone or in a group is made in conjunction with the decision to make a long distance trip.

- The travel alone or in a group decision then impacts destination choice and mode choice. Moving the group size decision to mode choice only would, in effect, be saying that a traveler decides to make a trip, decides where to go, and then says "oh, others have decided on exactly the same trip; I can share my cost with them when I determine the mode of travel." Though that may sometimes be the case (such as when a college student tries to hitch a ride home with friends,) that's not usually how these decisions are made.
- Auto travel is more attractive for those traveling in a group, and the reverse is true for air and rail travel. Our model accounts for this.

F. Operating schedule

CARRD p. 8 bottom two paras, and p.12 criticize the level of service provided in the modelling and suggests that a rail operator would provide less service than specified.

- High-speed rail operators have reviewed the operating plan for the EIR/EIS service and did in fact suggest that the year 2035 schedule of trains be reduced from 8 in the peak hour between San Francisco – Los Angeles to increase the reliability of service and ease of operation. And to provide enough capacity to handle the forecast traffic, they suggested running more double train-sets.
- Reducing trains per hour would have the effect of producing somewhat fewer riders and local negative impacts for noise and traffic around stations. Thus the analyses made with the higher numbers of trains and riders fully cover a maximum reasonably foreseeable scenario, as required in an EIR/EIS.
- Reducing the number of trains does not have the major impact on the riders forecast that CARRD suggests: a 10% reduction or increase in trains per hour produces a change on the order of 2% in riders, as CS demonstrated in to the Peer Review Panel (CS March 2011, rev Jun 2011) and as has been shown in several runs with alternative levels of HST service.
- None of the high-speed rail operators recommended the low level of service advocated by CARRD, given the forecast of traffic. In the recent business planning work the traffic forecast for a Phase 1 uses 5 trains per direction in the peak hours from San Francisco to Los Angeles, and 4 trains in the off-peak hours.

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v. California levels of service are much lower than in the Japanese Shinkansen lines leaving Tokyo (12-13 trains per hour). And, contrary to CARRD's assumption that all Europe HS service has fewer trains per hour, the CA HST has fewer trains per peak hour between San Francisco and Los Angeles than the TGV from Paris to Lyon and south to the scattered population of the French southeast.

vi. In criticizing the operation as too frequent and carrying too many commuters, CARRD fundamentally misunderstands the flow of traffic in the CAHST. For example they say that "selling Bakersfield – LA tickets will often mean empty seats from San Francisco to Bakersfield." A look at the loadings for an Anaheim - San Francisco Phase 1 service shows that this is not the case (see daily load table below), -- the peak load is actually between Fresno and the junction between the Bay Area and Merced legs, not in the LA Basin or Bay Area. In fact the LA-Bakersfield rider is being replaced by riders from Bakersfield to the Bay Area or Sacramento/Merced, or a Fresno – Bay Area rider. The service that is offered is reasonable for the market demand in the California string of overlapping short and long inter-regional markets.

The daily load table also shows that the commuters within the Bay Area and LA Basin do not add to capacity required and create a need for subsidy, contrary to CARRD's assertion. The commuters are the butter on the bread of the fundamental intercity service and fill available capacity for a strong positive contribution to the operation's bottom line. This too finds a counterpart overseas in the patterns of usage of the Japanese Shinkansen, which carry significant numbers of commuters at prices significantly higher than the parallel conventional trains. 5]

G. Tables 5 & 6 in CS memo [6]

CARRD notes that the statewide averages for business and commute trips seem implausible given that only two small regions have trips that are lower than the average. This is because in these tables the order of the region names is incorrect. The corrected tables are shown below. Now it should be clearer that SCAG with a very high volume of trips had the lowest trip rate in 2000 by far, and that SCAG and Fresno/Madera are the two regions with trip rates lower than the average as forecast for 2030.

Table 5. Average Annual Interregional Long Distance Round Trip Journeys per Capita by Geographic Area – 2000 <CORRECTED>

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Region	Business	Commute	Recreation	Other	Total
AMBAG	0.71	2.88	0.38	0.01	3.99
Central Coast	0.73	3.02	0.47	0.01	4.24
Far North	0.79	3.48	0.76	0.02	5.06
Fresno Madera	0.52	2.29	0.41	0.01	3.24
Kern	0.60	2.56	0.53	0.03	3.72
South SJ Valley	0.60	2.65	0.49	0.02	3.76
Merced	0.75	3.22	0.60	0.03	4.60
SACOG	0.77	2.25	1.95	0.62	5.59
SANDAG	0.44	1.53	1.52	0.49	3.99
San Joaquin	0.64	2.62	0.47	0.25	3.98
Stanislaus	0.64	2.70	0.44	0.01	3.79
W Sierra Nevada	1.14	4.82	0.99	0.03	6.98
MTC	0.24	0.45	2.75	0.47	3.91
SCAG	0.28	0.59	0.66	0.19	1.72
Statewide Average	0.38	1.11	1.21	0.27	2.96

Table 6. Average Annual Interregional Long Distance Round Trip Journeys per Capita by Geographic Area – 2030 <CORRECTED>

Region	Business	Commute	Recreation	Other	Total
AMBAG	0.69	2.75	0.34	0.01	3.79
Central Coast	0.67	2.79	0.42	0.01	3.89

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Far North	0.74	3.22	0.66	0.02	4.65
Fresno Madera	0.49	2.10	0.35	0.01	2.95
Kern	0.55	2.26	0.41	0.02	3.24
South SJ Valley	0.53	2.32	0.40	0.01	3.26
Merced	0.69	2.88	0.48	0.03	4.08
SACOG	0.84	2.93	2.39	0.65	6.82
SANDAG	0.46	1.57	1.93	0.66	4.63
San Joaquin	0.60	2.44	0.40	0.20	3.64
Stanislaus	0.56	2.33	0.37	0.01	3.27
W Sierra Nevada	1.02	4.30	0.87	0.03	6.22
MTC	0.27	0.50	3.15	0.54	4.46
SCAG	0.28	0.56	0.91	0.28	2.02
Statewide Average	0.39	1.19	1.34	0.32	3.23

Footnotes:

[1] The term "beet root station" bears some explanation. According to Wikipedia: "TGV Haute-Picardie is a railway station on the LGV Nord-Europe between Lille and Paris. Geographically, it is located about ten kilometers west of Péronne, between the towns of Saint Quentin and Amiens. When built, it was criticized by the press for being too far from any of the towns to be useful. It is located near a trunk road rather than a connecting railway line: it was often nicknamed la gare des betteraves, or 'beetroot station', as it is surrounded by beetroot fields."

[2] http://www.expatica.com/es/education/higher_education/higher-education-in-spain-1896_11005.html

[3] Frey, William H., "The Great American Migration Slowdown: Regional and Metropolitan Dimensions", Metropolitan Policy Program at the Brookings Institution,

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Washington, D.C., December 2009. See p. 18, Appendix C.

[4] The detailed discussion references several figures and tables without indicating the source document. A search of documentation submitted to the Peer Review Panel matched the references with a memo from Cambridge Systematics to the Peer Review Panel entitled "Information Requested in Section 3.2 Validation and Documentation of the Independent Peer Review of the California High Speed Rail Ridership and Revenue Forecasting Process, 2005-10, Draft Report for Internal Review (February 7, 2011)", March 31, 2011, revised June 8, 2011.

[5] For example, 8.6% of East Japan Railways Shinkansen passenger miles and 4.8% of revenues were from commuter passes in FY 2009. East Japan Railways, "2009 Fact Sheets", p. 19 (in English and Japanese).

[6] See footnote in point 1 of response to CARRD memo re: which document this might be.

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See MF-Response-GENERAL-1.

When a portion (i.e., the Merced to Fresno section) of a larger program (i.e., the HST System) is designed at the project level, the design will inevitably include refinements. This is because the project level design is taken to a greater level of completeness (in this case, 15% to 30% complete) than was the design of the larger program. This further design refinement includes changes from the conceptual design reviewed in the program EIR/EIS. Those changes, while still part of the overall program, are being analyzed at the project level in the Merced to Fresno section EIR/EIS, as required by CEQA and NEPA. The current CEQA/NEPA analysis affords public disclosure of the proposed Merced to Fresno section, including refinements from the conceptual design analyzed at the program level, project-specific information about the potential significant impacts of constructing and operating this HST section, alternatives, and mitigation measures to reduce the significant impacts where feasible. The Merced to Fresno EIR/EIS is a stand alone document that relies upon past work undertaken by the prior HST system program EIR/EISs, but does not tier directly from them in the sense of CEQA Guidelines Section 15152. This is the proper sequencing of analyses from general analysis at the conceptual program level to more detailed analysis at the project

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level.

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See MF-Response-GENERAL-2 regarding the alternatives analysis and the prior analysis of the I-5 alternative. Extensive alternatives analyses have been prepared for the HST system. There is no practical purpose for the Merced to Fresno EIR/EIS to re-examine alternatives that were previously dismissed for not meeting most of the key project objectives (purpose and need) or not substantially reducing significant impacts. See MF-Response-GENERAL-1 for a discussion of tiering.

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See MF-Response-GENERAL-1 and MF-Response-GENERAL-22.

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See MF-Response-GENERAL-1, MF-Response-General-2, and MF-Response-GENERAL-23.

The EIR/EIS relies on a single project description throughout its analyses. Due to inherent differences in resource topic (e.g., traffic vs. biological resources vs. social-economic changes) the methods are likewise different to appropriately identify and understand the potential impacts of the project and their study areas may reach beyond the Merced to Fresno section (for example, air quality considers the San Joaquin Valley Air Basin). However, differences in methodology notwithstanding, there is no difference in the project which they are analyzing.

Chapter 2 of the EIR/EIS plainly states that the project at hand includes electrically driven trains and all facilities necessary to their operation (as well as construction of those facilities). The actual make of train has not been selected at this time, so that detail cannot be provided (see section 2.2.2). The project does not include plans for the use of the tracks by Amtrak, although that is a remote possibility should funding fail and the independent utility clause of the ARRA agreement come into force. The Authority would neither fund nor operate any such trains and Amtrak has not plans to do so at this time. Because the tracks will be constructed to tolerances suitable for HST use, they will not be suitable for freight and no freight operations are proposed.

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The note "Preliminary Draft/Subject to Change" on the detailed alignment maps included in Appendix 2-A is intended to let the reader know that minor variations to the alignments may still be possible. However, this is not intended to mean that there will be major changes to the alignments. The alternative alignments shown there represent the proposed alignments analyzed in the EIR/EIS.

See the response to comment #2676 for a discussion of the number of trains assumed for purposes of study.

668-14

See MF-Response-GENERAL-1 regarding the larger program of which this project is a part; MF-Response-GENERAL-6 regarding the Business Plan and support for the viability of the section in light of the context of the larger program; MF-Response-GENERAL-13 regarding the Initial Construction Segment; MF-Response-GENERAL-18 regarding project costs; MF-Response-GENERAL-21 regarding the question of the statewide project's relation to the Merced to Fresno section; and MF-Response-GENERAL-23 regarding the EIR/EISs level of detail.

The EIR/EIS has been described as large and complex. Part of the reason for its size and complexity is the Authority/FRA's commitment to analyze several alternatives and design options, as well as related activities.

668-15

See MF-Response-PUE-3.

The Merced to Fresno section is currently at 15% to 30% of complete design. The specifics of connections, specific extensions of lines, and future remote power sources are unknown at this time. In addition, power for the HST will be drawn from the electrical grid several years from now when the system becomes operative, making the identification of the location of future power sources impossible for practical purposes (such analysis, in view of the absence of information, would be purely speculative). Where information about connections is known, such as lines to existing substations, those areas have been included in the study area for analysis in the EIR/EIS.

Response to Submission 668 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)) (Attny for), October 13, 2011) - Continued

668-15

Section 3.18 Regional Growth acknowledges that the HST project could result in concentrated growth in Fresno, Merced, and Madera counties that may require extension of utilities and result in increased use of energy. These potential utility demands are not part of the proposed HST project or integral to its function. Further, they are dependent upon land use decisions that will not be made for years into the future. Therefore, they cannot be reasonably analyzed without resorting to speculation.

The permits and environmental review required for future residential development projects and associated commercial and industrial developments would address electricity demands. In addition, electricity providers perform regular demand projections that include the demand created by planned development. Even under the No Project alternative, new or upgraded transmission and distribution lines would be needed to serve the projected increase in electricity demand. Section 3.19 Cumulative Impacts addresses the projected energy requirements in the study area.

668-16

See MF-Response-GENERAL-23 regarding the level of detail in the EIR/EIS and MF-Response-WATER-1 regarding impacts to water systems.

Typical HST trainsets and operations are described in Chapter 2, Alternatives.

However, this has not progressed beyond the conceptual level and no further detail is available. The specific type of train is not essential to the analysis in that the typical trainsets have similar designs and characteristics. The EIR/EIS has used a conservative approach to train service and intervals, assuming a large number of daily trains. Because scheduled operations have not been planned at this time, no further detail is available.

The project is at a 15% to 30% state of design. Specific details about the relocation and construction related to moving or replacing water supply infrastructure is unknown at this time. As a result, detailed impact analysis at the level of individual facility changes is not possible and would be largely speculative. Should future infrastructure changes be substantial and outside the scope of the Merced to Fresno EIR/EIS, the subsequent or supplemental EIR/EIS provisions of CEQA and NEPA would be triggered and further environmental analysis will be performed before those changes are made.

668-17

See MF-Response-TRAFFIC-2.

668-18

See MF-Response-GENERAL-13.

668-19

Farm vehicle traffic was considered in the traffic analysis. See MF-Response-TRAFFIC-2, MF-Response-TRAFFIC-3, and MF-Response-AQ-4.

668-20

The project has been designed to 15% in most rural areas of the alternative alignments. The specific impacts to utilities and infrastructure serving agricultural areas is unknown at the level of detail requested in the comment (i.e., pipelines, sumps, pumps, wells, drainage systems) and therefore has not been analyzed to the extent requested. See MF-Response-AGRICULTURE-4 regarding the severance of farm infrastructure and provisions for compensation and replacement and MF-Response-PUE-5 regarding utility relocation.

668-21

Field surveys completed within the Merced to Fresno segment study area identify the plant communities and land cover types. Habitat types identified as suitable for special-status species are utilized to calculate the scope of mitigation required by the regulatory agencies. The presence of biological resources will be verified during preconstruction surveys to accurately implement mitigation measures designed to minimize project effects to special status species and their habitat. Please see Section 3.7.3.3 for further information on field surveys completed.

Biological surveys were not conducted over the entire alignments because biologists were refused access by property owners to portions of the alternative alignments. Biological assessments therefore relied upon surveys of those areas that were accessible, research into plant, wildlife, and habitat using available references, review of aerial photos, and the assumption that available habitat was occupied by the species that it would support. The latter is a conservative approach in that some habitat,

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668-21

particularly where it is isolated or small in area, is either not occupied by any special status species or not occupied by all potential special status species. See MF-Response-BIO-1 regarding methods of study; MF-Response-BIO-3 regarding mitigation measures.

668-22

Summary information on housing is provided in Section 3.12.4, Socioeconomics, Communities, and Environmental Justice. The Community Impact Assessment completed for the project provides more complete information on housing and pricing. This information is useful in determining social and environmental justice impacts. Complete information on housing and pricing is provided in the Community Impact Assessment Report in section 6.2, Housing Setting, located on the CAHSR website (http://www.cahighspeedrail.ca.gov/lib_Merced_Fresno.aspx).

668-23

See MF-Response-GENERAL-1.

The EIR/EIS specifically identifies the thresholds or significance criteria used to analyze the potential impacts of the HST. They are identified in the impact sections (i.e., sections 3.1 -- 3.19); typically in the discussion entitled "Methods for Evaluating Impacts." The Final EIR/EIS includes a refined discussion of impact "context" and "intensity" under NEPA in each impact section in order to clarify how NEPA significance conclusions were reached.

668-24

The Authority/FRA have actually undertaken substantial outreach to Environmental Justice communities. See MF-Response-GENERAL-1 regarding the EIR/EIS and MF-Response-SOCIAL-7 regarding the Environmental Justice analysis and related community outreach. Materials translated into Spanish included the Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, and comment cards at the public workshops and hearings. In addition, Spanish language information was available by telephone.

Text has been added to Section 3.12.3.1, Socioeconomics, Communities, and Environmental Justice, to describe the project benefits and the regional effect and the

668-24

project impacts and the localized effect.

Mitigation measures intended to reduce impacts on Environmental Justice communities, through additional design work to reduce visual impacts and through employment training for example, will extend the outreach after project approval. These measures augment, but do not replace, the outreach undertaken prior to and during the review period of the Draft EIR/EIS.

668-25

See MF-Response-GENERAL-1 and MF-Response-GENERAL-21. See also the response to comment #2869 regarding the validity of ridership assumptions.

668-26

The reports submitted with the comment are documented as submissions #718 – 720 and #722-724 in Volume IV of the FEIR/EIS.

Submission 578 (Ben Reiling, Zelman Development Co., October 12, 2011)

Merced - Fresno - RECORD #578 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Business
Submission Date : 10/12/2011
Submission Method : Project Email
First Name : Ben
Last Name : Reiling
Professional Title : CEO
Business/Organization : Zelman Development Co.
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Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder
Comments/Issues :

Brett M. Foy
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EIR/EIS Comment : Yes
Attachments : EIR_Comment Letter_Madera.pdf (52 kb)

THE ZELMAN COMPANIES

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October 12, 2011

California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Comments On Draft Environmental Impact Report

Dear Members of the Rail Authority:

578-1

The undersigned is the present owner of the approximately 100-acre property located at the northeast corner of Highway 99 and Avenue 17 in the City of Madera (the "Property"). We strongly oppose the DEIR's rail alignment alternative along Highway 99. The Highway 99 rail alignment alternative runs through the western side of the Property, and thus if selected would eliminate the Property's visibility from Highway 99. The Property, as well as numerous other properties along Highway 99 would no longer be viable for retail uses. Moreover, the Highway 99 rail alignment alternative literally would split in two the City of Madera, causing catastrophic and irreparable injury to the future of this community. We therefore strongly urge the Rail Authority to permanently reject the Highway 99 rail alignment alternative. Alternatively, at a minimum, the Rail Authority should re-circulate the DEIR to adequately address the foregoing direct and indirect social and environmental impacts associated with the Highway 99 rail alignment alternative.

Sincerely,

ZELMAN MADERA, LLC

By: ZELMAN RETAIL PARTNERS, INC.

By:

Ben Reiling
CEO

ZELMAN DEVELOPMENT CO.
A CALIFORNIA CORPORATION

ZELMAN INDUSTRIAL PARTNERS, INC.
A CALIFORNIA CORPORATION

ZELMAN RETAIL PARTNERS, INC.
A CALIFORNIA CORPORATION

Response to Submission 578 (Ben Reiling, Zelman Development Co., October 12, 2011)

578-1

See MF-Response-GENERAL-10.